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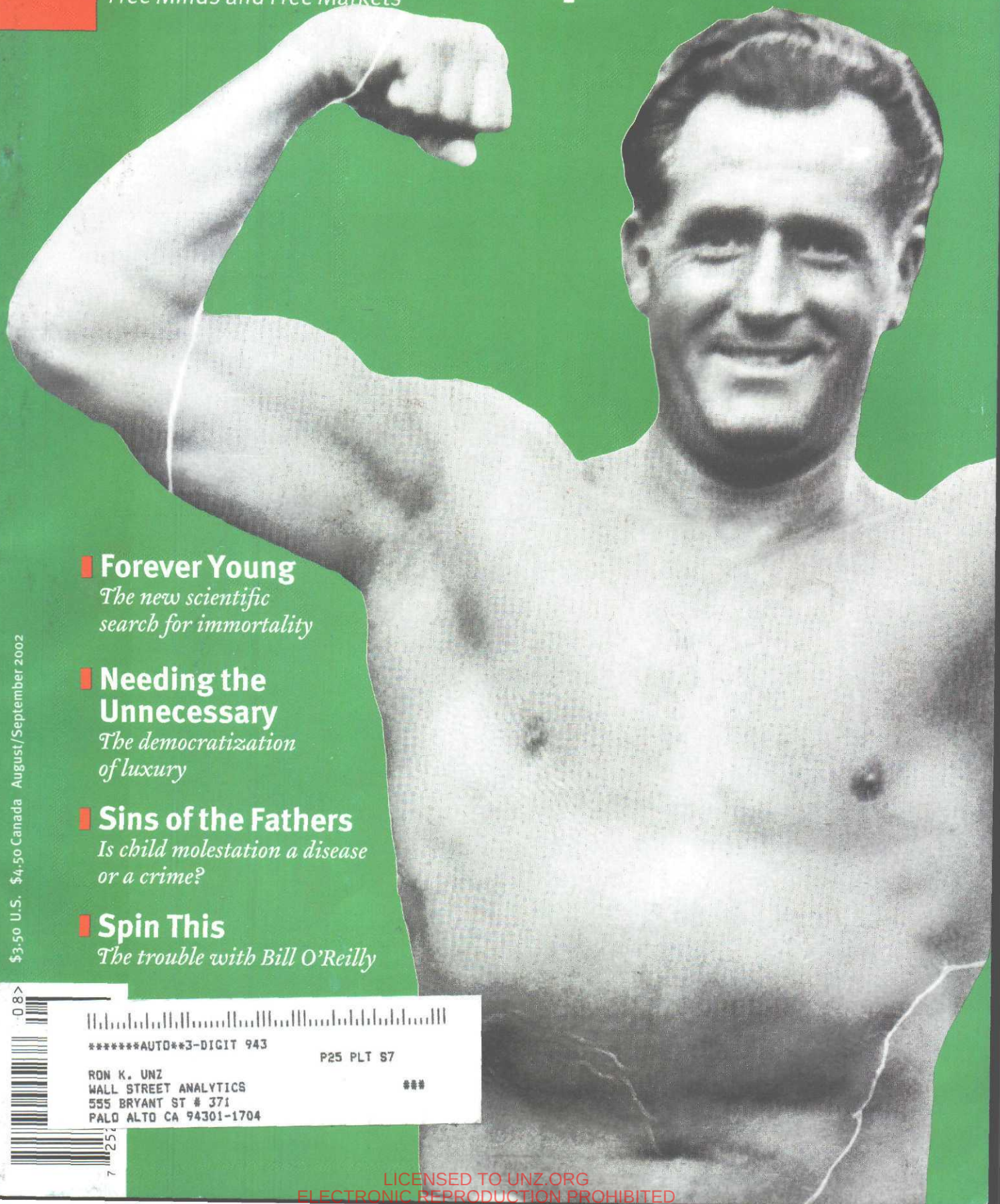

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The democratization of luxury

Sins of the Fathers
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Spin This
The trouble with Bill O'Reilly

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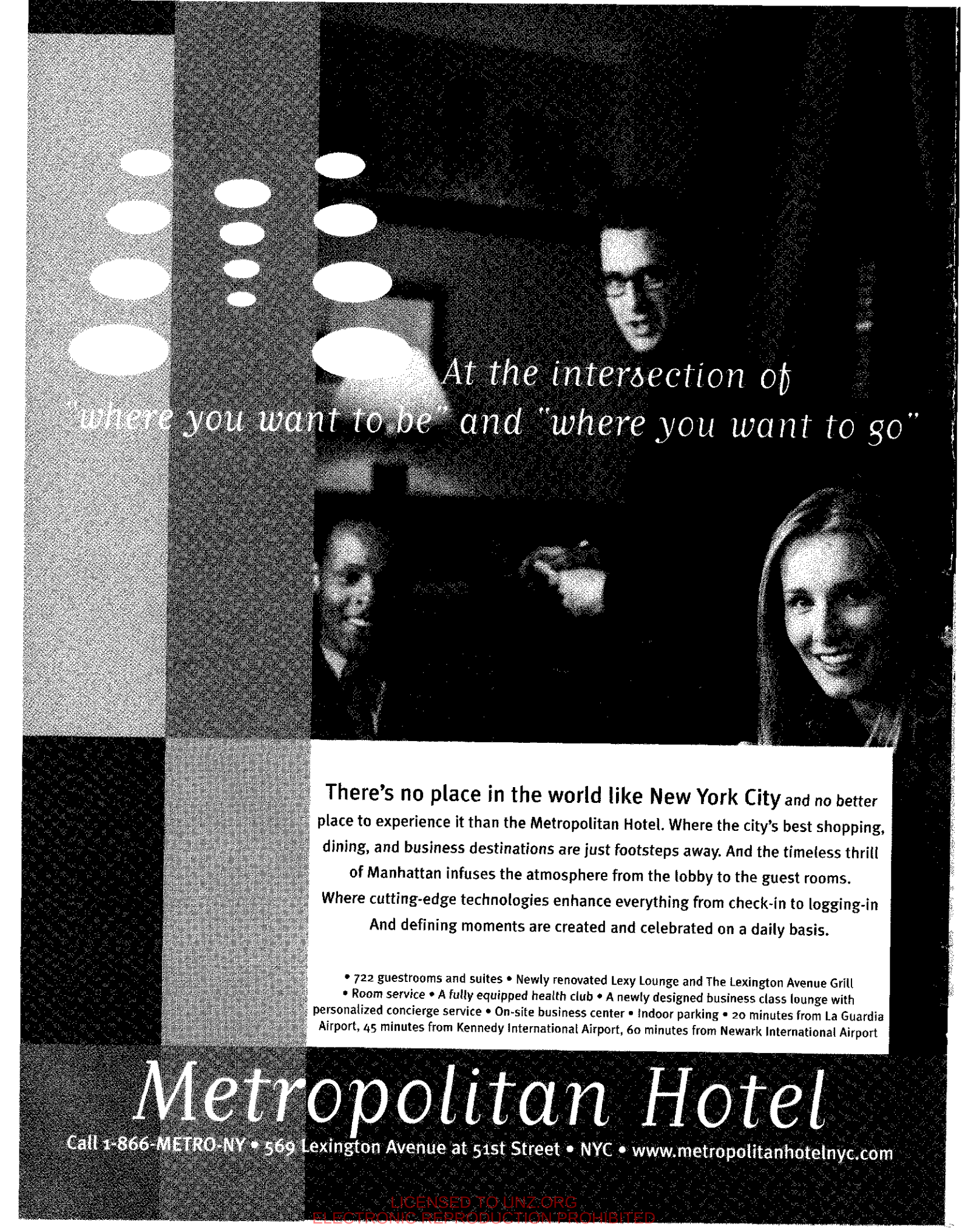

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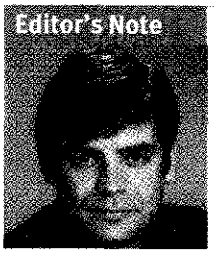

WHILE READING **reason** Science Correspondent Ronald Bailey's cover story, "Forever Young: The New Scientific Search for Immortality" (page 26), I couldn't stop thinking of my parents, both of whom died within the past few years. My father was born in 1923 and my mother four years later; they each lived into their early 70s before passing. Given when they were born, the bleak conditions in which they were raised, and other factors (both were longtime smokers; my father had been wounded in World War II), it's no small miracle that they lived as long as they did. Yet their relative longevity is precisely the sort of progress we've come to take for granted in our everyday lives. The expected life span for boys born in the U.S. in 1923 was just 56 years; for girls born in 1927, it was a slightly better 62 years. By comparison, the average life expectancy for kids born in 1999 is 77 years.

Advances in nutrition, medicine, and technology didn't just extend the length of my parents' lives but enhanced the quality as well; both were in pretty good shape until the end. Of course, however much science and medicine lengthened their lives, it wasn't long enough, either for them to witness the birth of my second child or for them to benefit from the fascinating developments discussed in this issue of **reason**.

"The prospects of dramatically increasing human longevity are excellent," says Steven Austad, a University of Idaho biologist who predicts 20-to-40-year increases in life spans later this century. We're "on the cusp of the second longevity revolution," according to University of Chicago demographer Jay Olshansky. The first revolution took place last century and increased life spans mostly by reducing infant mortality and limiting infectious diseases. The second revolution promises to add years later in life.

How will that happen? One researcher is working to develop drugs that mimic the effects of a super-low-calorie diet, a proven means of extending life. Others are working on a "Methuselah pill" that will recreate proteins produced by the genes responsible for longevity. Therapeutic cloning, still legal in the U.S. as of press time, may one day allow people to grow their own perfectly matched replacement organs. The emerging field of nanotechnology—which seeks to create devices using single atoms and molecules—offers the promise of "rebuilding our own bodies, regenerating organs, slowing down aging," according to proponents. If the past is any guide, none of these predictions will be exactly accurate, but we'll all be living longer, healthier lives in the future.

The only thing more amazing than the prospect of a second longevity revolution are the objections being raised by many influential and powerful intellectuals. The head of the President's Council on Bioethics, Leon Kass, calls "the finitude of human life" a "blessing" and frets over "the undesired consequences of medical success in sustaining life," as if there aren't even more undesired consequences from the failure to sustain life.

In a recent **reason online** debate (reprinted in our June issue), Francis Fukuyama argued that genetic enhancement will almost certainly lead to a nightmare world straight out of Friedrich Nietzsche's twisted mind. In his new book, *Our Posthuman Future*, Fukuyama throws another scary shadow on the wall, one of robust old folks who "refuse to get out of the way; not just of their children, but their grandchildren and great-grandchildren."

I've no doubt that such bizarre and misplaced fears tap into their authors' deeply felt personal anxieties. Yet I'm even more certain that my children's lives have been greatly impoverished, not "blessed," by their grandparents' absence.

Nick Gillespie

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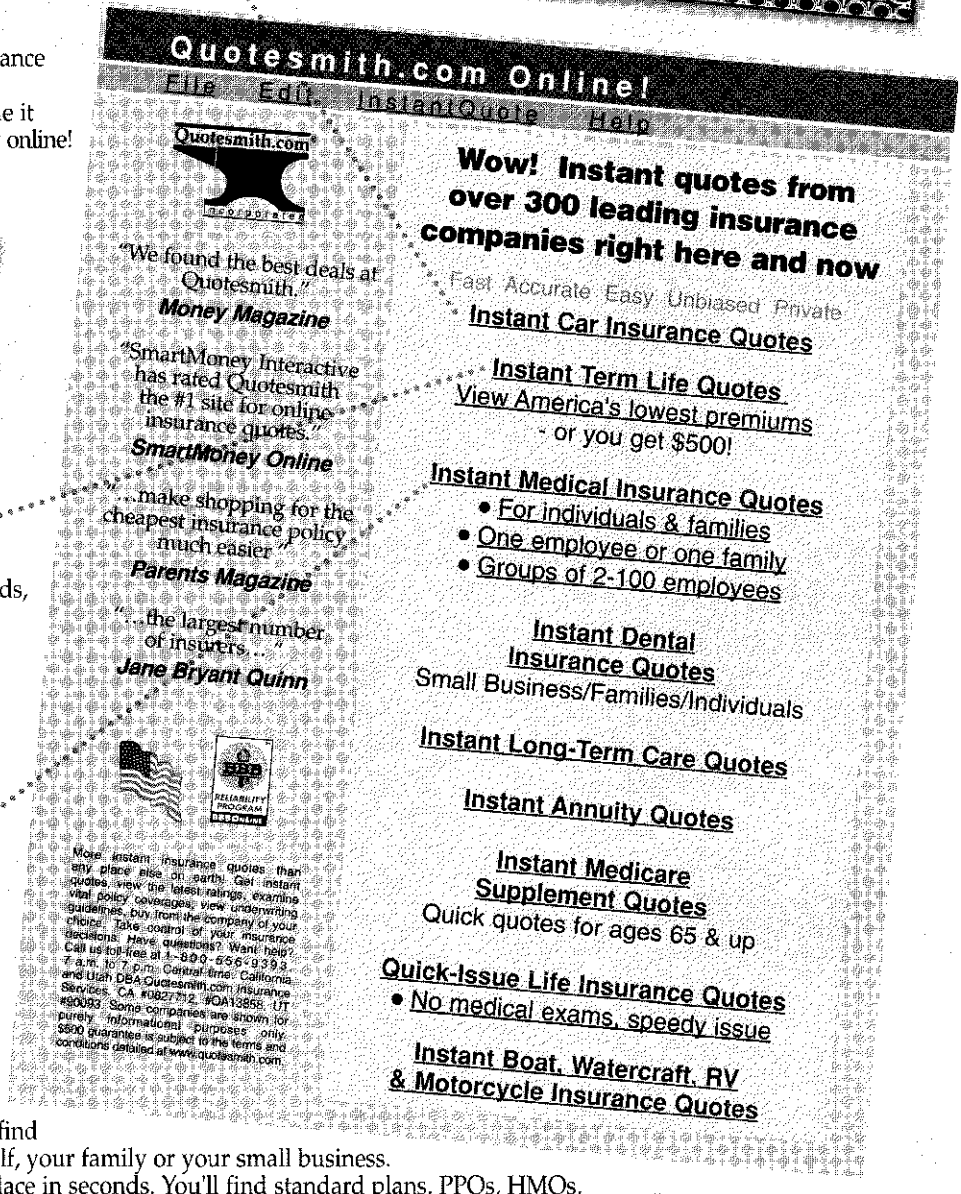
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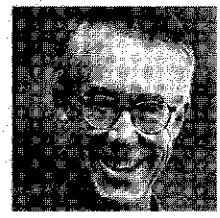

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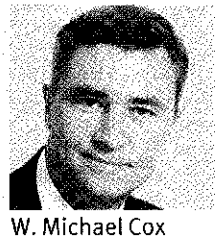

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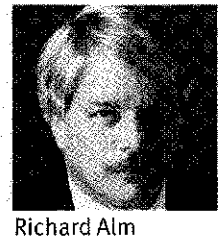

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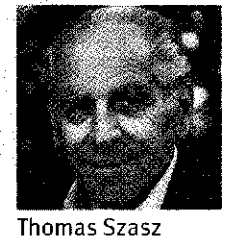

Thomas Szasz

As the author of the new *Living It Up: Our Love Affair With Luxury* (Columbia University Press), James Twitchell is well-versed in the rich language of status symbols. ("Needing the Unnecessary," page 36.) Yet Twitchell, a professor of English and advertising at the University of Florida, insists that he recently purchased a used—er, "pre-owned"—BMW because "it was just too comfy," not because it would impress his colleagues. Twitchell, who started his academic career studying the Romantics, last appeared in **reason** with a cover story called "In Praise of Consumerism" (August/September 2000). His next book, *Branded Nation*, is due out from Simon & Schuster in late 2003 and will explore "how branding is determining not just what we buy but what we believe in."

Economist W. Michael Cox and journalist Richard Alm, authors of "Off the Books" (page 46), have accomplished a remarkable feat: After a decade of collaboration, they remain friends. Cox, senior vice president and chief economist at the Federal Reserve Bank of Dallas, says Alm is "one of the most well-read and well-reasoned persons I've ever met." Alm, a business reporter at *The Dallas Morning News*, writes a weekly column on the sports industry. He calls Cox a rarity among economists: "He's grounded in the real world." In 1999 the duo published *Myths of Rich and Poor: Why We're Better off Than We Think* (Basic Books).

"I have a total responsibility concept of life. Disease is not an excuse," says longtime Contributing Editor Thomas Szasz, who castigates the Catholic Church for shielding child-molesting priests ("Sins of the Fathers," page 54). Szasz, a professor of psychiatry emeritus at the SUNY Upstate Medical University in Syracuse, has been one of his field's most controversial figures since the 1961 publication of his groundbreaking *The Myth of Mental Illness*. His July 2000 interview with **reason**, "Curing the Therapeutic State," is online at reason.com/0007/fe.js.curing.shtml.

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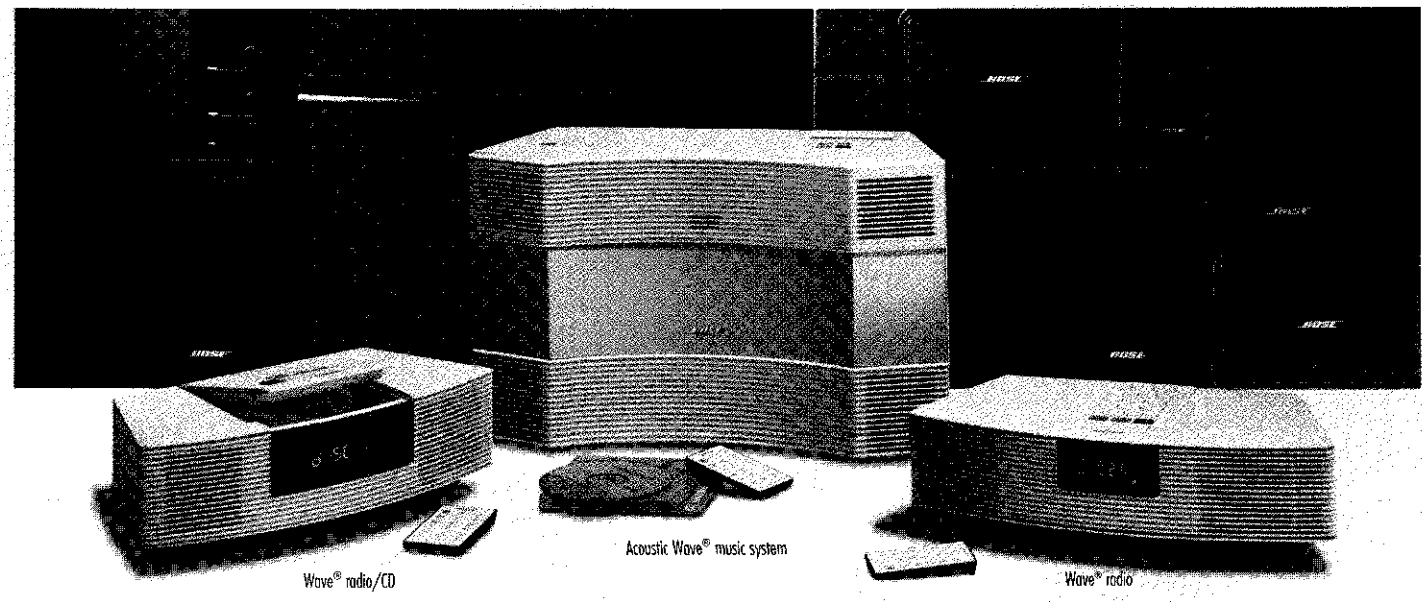

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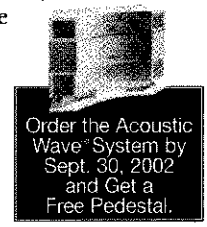

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Hollywood vs. the Internet

I'd like to answer Mike Godwin's unasked question: "Nobody's asking ordinary people what they want" ("Hollywood vs. the Internet," May).

Here are my ordinary credentials: married, middle income, late 20s, technologically competent, broadband customer. I used to buy a substantial amount of music (pre-teen through 22–23 years old). In recent years, however, my music tastes differed so greatly from mainstream and alternative music that I found it hard not to waste my money buying albums I did not like. I tried to develop highly subjective criteria for making good guesses on these discs. My gambles occasionally paid off, but mostly they failed. I eventually stopped buying music altogether.

If I could sift through a music label's library or a new album to find songs that I like, and then burn them on a CD, I just might start buying music again. Would I share a song with a friend? Why not? I grew up sharing mixed tapes with friends. It resembles marketing more than piracy. When I heard musicians I really liked, I bought their music because a mix tape never qualified as a fan's proper asset. Digital delivery doesn't change that.

The music industry should worry less about my stealing their content and more about someone new stealing their business. They can slap a watermark on a CD or MP3 that protects it from unlicensed activities, but they can't force people to buy it. Pandora's box is open. The power to tailor CDs to the individual exists. The music moguls can either embrace this model or fight it. If they fight it, they leave the door wide open for an enterprising company to stroll in and make itself at home. Artists sign with labels because they see it as the only way to sell albums and make a living. If a viable alternative can give them similar exposure and income, they will go where the money is. And customers like me will follow them.

Chad Fasca
New York, NY

Are all these smart people nuts? The ability to copy music and movies has been with us for years. The reason people don't often copy things today is not because they don't want an "imperfect" analog copy; 99 percent can't tell the difference and never will.

The reason is that most people have lives. Time is too precious to waste on finding and copying a $10 disc or tape. Nobody who could have afforded to pay for the original disc in the first place is going to bother ripping it off. Sure, college kids may; they notoriously have more time and ingenuity than money. Some others may copy some songs from a CD onto a cassette or CD to play in the car. So what? They can do that now, and the recording industry survives.

So you can transmit digital stuff to your Internet buddies. Is that a lot different from lending your tape to the student in the next dorm room or the officemate in the next cubicle?

Piracy won't happen as long as the industry doesn't rip us off at $80 a movie or $25 a CD. The deterrent to piracy is not "watermarks" and intolerable restrictions on software. It's a reasonable price for the product—one that makes it too costly in terms of customer time to bother stealing it. That deterrent works just fine today. It will continue to work in the future.

Dave Hein
Tucson, AZ

Addiction Hungry

In "Hungry for the Next Fix" (May), Stanton Peele writes, "The main factor in successful resolution of a drug or

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alcohol problem is the ability to find rewards in ordinary existence and to form caring relationships with people who are not addicts." What a bunch of touchy-feely crap!

As someone with personal experience with addiction, I can tell you why I used to drink and smoke too much: *I liked it!* It had nothing to do with "caring relationships" and everything to do with how it made me feel.

I loved booze from the first sip. My boss, on the other hand, has two drinks and starts to feel queasy or sleepy. A drinker he ain't. Since alcoholism runs in my family, and not his, I have every reason to believe those studies that show a genetic link at the root of some, if not most, alcoholism.

This suggests a chemical cause and justifies the search for a pharmacological solution, the "magical elixir" that Peele disparages. Maybe naltrexone doesn't work for alcoholics, and certainly methadone is a poor substitute for heroin, but the effort is scientifically justified.

Peele argues that psychotherapy, in particular an approach he calls "motivational enhancement," does as much good as attempts to induce total abstinence. While this may be true, before I believe moderation is an effective treatment for alcoholics, I will have to see studies that have multiyear follow ups and studies where the results are not dependent on the responses of the subjects being studied. After all, what sort of answer can you expect from the "Are you still beating your wife?" type of question?

I will tell you one thing about abstinence: It works. I haven't had booze for over 13 years, cigarettes for over 10. It's hard to implement but easy to maintain. Moderation, on the other hand, is easy to implement but hard to maintain. Let me give you an example: We all know people who have quit smoking, but how many people do you know who have gone from two packs of cigarettes a day to half a pack—and kept it there? Or from a pack a day to just two or three cigarettes a day? Nice in theory, but almost impossible in practice.

If Peele is advocating moderation therapy as better than nothing, no one would disagree. But I don't think that's what he's preaching. He's preaching that abstinence is too tough, so don't even try it. Instead, put yourself in the hands of your friendly, trained psychologist. This might work for alcohol abusers, but not for the addicts, where loss of control is a given. "One is too many, a thousand not enough" is all too true.

Peter V. Burrows
Waupaca, WI

I could not possibly correct all of the selective uses of facts and misinterpretations in Stanton Peele's article without writing an article possibly longer than his, but here are some examples.

Peele completely ignores all of the rather extensive evidence for a genetic basis for addiction, especially alcoholism. He freely commingles facts related to drug dependence and abuse with addiction. They are three different conditions.

Peele severely distorts the views of Drs. Leshner and Gordis by saying that they believe that addiction should be treated primarily with drugs. This level of nonsense can only be due to willful lying or pathological ignorance. The idea of treating addiction with medicines is an area of research, but it is nowhere near a reality. When it does become a reality, it is not expected to obviate the need for treatment.

Peele completely ignores the fact that recommended treatment includes four of the five ingredients that he mentions: identifying the problem, getting the addict to believe that change is possible, making the addict responsible for carrying out changes necessary for his recovery, and letting addicts know that they have many people to support them on their path to recovery.

Peele is wrong that reducing substance use—as opposed to abstinence—is a viable treatment. Studies have shown that 2 percent or less of addicts can ever again use their addictive drug normally. Encouraging an alcoholic to drink is like giving someone who has an allergy to penicillin a week's worth of the drug and saying, "Here, take this, but just don't get a rash or stop breathing."

Finally, Peele confuses harm reduction with the real goal of treatment, which is to teach addicts how to have a good life. Those of us in the field of addiction medicine want the best for our patients, not just a little less misery.

James T. Hamilton, M.D., J.D., FAAFP
Newport Beach, CA

Green With Ideology

I am very disappointed by the content and slant of arguments presented in Ronald Bailey's "Green With Ideology" (May). While there may be a smear campaign against Lomborg, he should have expected it: His stance required him to find the right numbers and the perfect quotes, and to manipulate data to reach his predetermined conclusion. Many scientific experts have come to conclusions about the environment that are opposite Lomborg's.

While I understand Bailey's comments on the role of "doomsday" environmentalists, he doesn't provide effective arguments to downplay their theories. Most reliable data show that global warming is happening, weather patterns are changing, ice caps are melting, coral reefs are dying, and species are going extinct. Do we need more

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doom? The environmental movement, like most, has used negative tactics to get its message across—sometimes that is the only way to make people listen. But one should not confuse dramatic urgency with untruth. The health of systems is just as important to the earth as it is to our individual bodies.

Bailey writes: "The environmental canon is built on doom. In 1962 Rachel Carson's *Silent Spring* predicted that modern synthetic chemicals, especially pesticides, would cause epidemics of cancer and kill off massive quantities of wildlife." OK, maybe the cancer epidemic wasn't caused by chemicals, pesticides, and their byproducts, but if not, then what did cause it? Bailey doesn't even argue his case. At this point it is nearly impossible to quantify how many species are affected by synthetic chemicals. What we do know is that many species are devastated by habitat destruction, which is directly linked to population growth.

Another point Bailey makes is that the world isn't running out of "nonrenewable" fuels or mineral resources. Generally speaking, the availability of oil or other nonrenewables is not a concern to modern environmentalists. Their concern is the availability of clean fuels and other alternatives.

Mother Nature is resilient. I think that is obvious. If she weren't we'd have much larger problems. But the fact remains that man does affect the environment negatively and his population continues to grow. Changes must occur.

Scott Ryan Whinery
Via e-mail

Ronald Bailey's protests against the "hidden agenda" underlying attacks on Lomborg were rather shrill and vacuous. A primary thesis seems to be that because some "environmentalist" scientists changed their views over the course of a quarter century, they cannot be trusted. If adherence to ideology is Bailey's measure of good science, I wonder about his "agenda." His bibliography makes me wonder more.

I attended a talk by Stephen Schneider in the early '90s and vividly recall Bailey questioning the conclusions of the U.N. Intergovernmental Panel on Climate Change (IPCC) even back then.

Bailey seems shocked that we cannot model the biosphere-ecosphere of an entire planet with absolute certainty. We're not talking about the hydrogen atom here. I would also remind the author that when the shrill environmental books were written, the Delaware River would spontaneously combust, and Denver had worse air quality than Los Angeles. Environmental laws passed since then are directly related to air and water quality improvements we see today.

L.L. Williams
Via e-mail

Ronald Bailey replies: Apparently, Scott Ryan Whinery applauds "smear campaigns" against those with whom he disagrees and forgives environmentalists of what most people would call lying because of their sense of "dramatic urgency." In the trade, this is known as "lying for justice."

Whinery cites not a single example of incorrect data provided by Lomborg. Rachel Carson is wrong because there *is* no cancer epidemic. Except for smoking-related cancers, age-adjusted cancer rates have been essentially flat or falling for decades.

With regard to cleaner supplies of energy, rates of air and water pollution are falling in all developed countries. Global fertility rates have been falling for four decades and the latest United Nations projections show world population topping out at 8 billion or so in mid-century, then declining.

L.L. Williams completely misses my point that adherence to an ideology, in this case political environmentalism, is exactly the opposite of good science. I am not at all shocked that researchers "cannot model the biosphere-ecosphere...with absolute certainty." In fact, that's exactly the point: Why would we want to remake the world's economy on the basis of such uncertain models?

The Delaware River never spontaneously combusted. That was the Cuyahoga, which now hosts a riverside dining/entertainment district in Cleveland.

Finally, both Lomborg and I cite numerous climatologists who, like Schneider, participate in the IPCC and who point out that the best temperature data from satellites and weather balloons indicate that global warming is increasing at only one-third to one-quarter the rate suggested by models. That means average global temperatures would rise perhaps 1.5 degrees Celsius in a century if current trends continue, which they won't. They'll shift as the centuries-long process of decarbonization of our fuel supplies continues, meaning that greenhouse gases will never accumulate to the extent projected, even without the imposition of draconian global energy policies.

Ralph, Ralph, Ralph

Matt Welch's article on Saint Nader ("Speaking Lies to Power," May) is terrific journalism. How refreshing to hear Nader receive a full-blown and deserved remonstrance but without his annoying tone of self-righteousness or hyperbole. Keep firing away!

Lee C. Waaks
Jenkintown, PA

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The title and subtitle of Matt Welch's article implied we would be getting some real dirt, some bald-faced lies proving that Ralph Nader's appeal to truth was just the work of yet another cynical politician manipulating a public desperate for a little honesty. Instead, what we got was some bad math, a lot of hyperbolic prose, a ridiculous accusation of lunacy by association, and a variety of other rhetorical flourishes.

For example, Welch accuses Nader of lying about whether most of his votes would have gone to Gore. Welch's primary evidence? A study that "estimated" Nader supporters would have chosen Gore over Bush "47 percent to 21 percent, with the rest abstaining." Where's the lie? When I do the math, it sure looks to me like the survey shows that 53 percent, i.e., "most" of Nader's votes, would have gone to Bush or to no one.

Welch accuses Nader of overestimating the success of his appearance on the *Tonight Show*. Big deal. He ridicules Nader's suggestion that his positions are held by the majority but doesn't cite any evidence that Nader is wrong.

In an especially silly moment, Welch attempts to slime Nader with the goofy statements of Howard Zinn, Jim Klosterman, and a Seattle Coalition Web site. Did Nader endorse those statements? Could we find similarly goofy things said by supporters of Bush and Gore? Of course we could.

The article is full of words and phrases that appeal to emotion, such as *self-delusion, schizophrenic, lunatic nonsense, wrongheaded ravings*, and *incoherent fantasies*. It didn't take long to conclude that Welch's argument was not, in fact, reason at work. It was just another self-indulgent, sarcastic hatchet job in the Rush Limbaugh mode.

The article begins with a citation of Nader's book as if it were a review, but nowhere does it bother to examine the book's central question: How will things ever change when the two major parties control the system, and voters feel compelled to vote for the lesser evil, rather than the candidate they really want? That's a topic that deserves discussion, not just a dismissive reference to "European-style proportional representation."

John Haine
Fridley, MI

I abandoned writing a point-by-point rebuttal of Matt Welch's critique/polemic/harangue masquerading as a book review. His assertions are too gelatinous to get ahold of to give them the thrashing they deserve. The article is a narrow and petty read that in no way reflects Nader's book.

Welch refers to Nader's "whoppers." I consider these to be broadly stated assertions that actually contain kernels of truth. Yet Welch's article is riddled with several slippery turns of phrase that obscure distinctions. Welch overgeneralizes and blurs meanings. Normally, I would overlook such ambiguities, but when he goes on to chide the Greens on "the politics of soft consensus, not a rigorous culture of truth telling," I lose all patience.

A rehash of "Nader made Gore lose" is a moribund topic unless you've got an ax to grind. Why target Nader? Why now? There aren't any pressing issues to focus on besides pointing out that Nader is parsing numbers and trying to angle his message in the most favorable light. What else do politicians do? If Welch had imagined Nader as being above it all, he needs to get over it. I doubt his intentions are as pure as the ideals he holds Nader to.

I don't want to vote for a candidate who has no chance of winning, but desperate times require desperate measures. To be forced to such extremes by the currently degraded political climate is enough of a vexation without Matt Welch trying to rub my nose in it.

John Kovach
Austin, TX

Matt Welch replies: Several polls were conducted to measure what Nader voters would have done had he not been a candidate. Of all those, Nader quoted the single one that came closest to supporting his thesis—i.e., that he didn't tip the election to Bush. Instead of reacting to the widely disseminated Voter News Service poll the morning after the election, he deferred to Tom Brokaw—who happened to utter the comment that came closest to supporting Nader's thesis. Neither Nader's quoted poll nor Brokaw's uttered speculation can be found anywhere in the vast literature of post-election number crunching, except in Nader's book (which, to reiterate, is subtitled "How to Tell the Truth and Still Run for President").

This is a selective and dishonest use of math, and it is typical of Nader's conduct on the campaign trail, as his own former campaign staffers freely admit. Why does it matter? Why target Nader? Because he and the loose movement he represents depict themselves as being among the few souls brave and pure enough to "speak truth to power." It is a conceit and a delusion, one worth the consideration of Naderites and non-Naderites alike before the 2004 election.

reason News
This is our annual double issue. The next issue you receive will be dated October.

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Propaganda trouble; creative copyrighting; wine fines; a home of one's own; judges' private lives; trashing trailer parks; and POTUS and the brain

Trouble at the propaganda mill

Anti-Drug Anxiety

Jacob Sullum

THE ALLIANCE THAT has brought us screaming lectures from a frying pan–wielding model and murder confessions from innocent-looking coke sniffers is showing signs of stress. In May a study finding that such propaganda has not reduced teenagers' drug use prompted sniping between the drug warriors who commission the messages and the admen who create them.

"These ads aren't having an impact on teenagers," said Tom Riley, a spokesman for the Office of National Drug Control Policy (ONDCP). "We've spent millions on these ads, and we are not seeing a return on the investment." Actually, the National Youth Anti-Drug Media Campaign, launched five years ago, has cost nearly $1 billion in taxpayers' money, plus another $1 billion or so in donated airtime.

That budget has made the ads highly visible, and a study sponsored by the National Institute on Drug Abuse found that 70 percent of teenagers reported seeing them at least once a week. But the teenagers who recalled the most ads were just as likely to use drugs as the other subjects.

The Partnership for a Drug-Free America, which produces

the spots, complained that the ONDCP was accentuating the negative by focusing on this result. Although "there is little evidence of direct favorable campaign effects on youth," the partnership said, "the media campaign appears to be having a positive effect on parents." It was an odd thing to brag about, since the government is nagging parents in the hope that they will stop their kids from using drugs, and the study found no evidence that they had succeeded in doing so.

The admen and the drug warriors did agree on one thing: The campaign's failure should be rewarded with more money. ■

Creative copyrighting

DNA Dough-Re-Mi

Charles Paul Freund

A PRETTY GIRL may be like a melody, but the music of her DNA could have biotech companies whistling all the way to the bank. An executive at Maxygen, a California biotech firm, has suggested that if DNA sequences were converted to digital music they could be copyrighted as works of art.

Currently, some DNA sequences can at best be patented by companies who have spent heavily to determine their order, while other such sequences are not eligible for protection at all. "Patents are important," Willem Stemmer, the executive who came up with the idea, told *The New York Times*. "But copyright could be equally or more important."

30 years ago in reason

"While much of the tedious homework has yet to be completed, Stanford University's distinguished Professor of Genetics and Biology, Doctor Joshua Lederberg, feels that human clonal reproduction is only a few years away."

—Winston L. Duke, "The New Biology"

"Androids will become immensely valuable in prolonging the lifetime of *Homo sapiens*....Even before we can produce android-clones, it will be tempting to try brain or head transplants."

—Winston L. Duke, "The New Biology"

"An ecologically responsible world does not require a global dictatorship. It is not at all incompatible with a free, rational society....Neither is the ecology movement an anti-capitalist movement."

—Brian G. Mason, "Ayn Rand vs. Ecology"

"James Scott of Fresno, Calif., has not paid federal or state income tax, Social Security tax, utility taxes, personal property taxes, or gasoline taxes for the last three years, as a protest against government spending and illegal taxation. Scott expects to be indicted."

—Trends, "Tax Protestors Reach New Highs"

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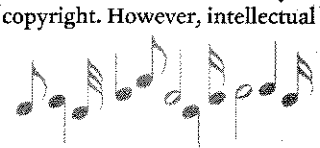
It could certainly be important for the companies' bottom lines. The cost of converting DNA sequences to music is negligible; programs to do the job, such as ProteinMusic, already exist. Meanwhile, copyrights, if granted, would last up to 100 years under current law, whereas a mere patent expires after 17 years. Furthermore, it can be difficult to obtain a patent if no new invention is involved. Given that biotech companies invest large sums in DNA research in the hope of reaping even greater returns through the development of new drugs, 100 years of copyright can mean a lot of profit.

Copyright-protected DNA "music" would allow biotech companies to sell revealed gene sequences to other companies in the form of digital MP3-like files, along with a program that would translate the ditty back into DNA coding. As Stemmer explained to London's *Independent*, "This back-translated DNA sequence itself would not be covered by copyright. However, intellectual



property protection may exist because the external user can access a DNA sequence only by copying of a copyright-protected music file." And if you want to know what happens when you download music files without permission from the copyright holder, ask Napster.

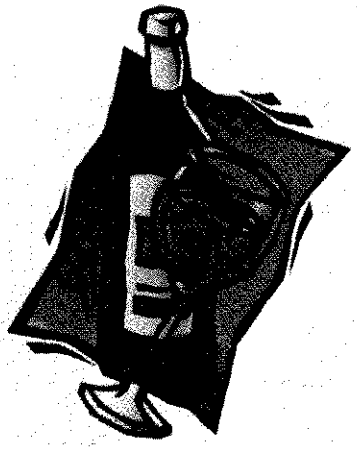
It's not clear what DNA music can be made to sound like, whether one can dance to it or whether one should listen to it contemplatively. Even if it's the latter, maybe it can be given a good club mix and set to the beat of, say, pulsars.

The price of drink

Wine Fine

Mike Lynch

A FED-UP CONSUMER calls it "socialism." A fed-up retailer calls it "state-sponsored gouging." They're referring to an



Ohio law that requires vintners, distributors, and retailers to jack up the price of a bottle of wine a total of 135 percent before it hits the shelf. As a result, wine costs up to 50 percent more in Ohio than in other states, translating into $100 million a year that Buckeye State residents could spend on something else.

"I don't know how this could possibly benefit the public," Tom Jackson, president and chief executive officer of the Ohio Grocers Association, told the Cleveland *Plain Dealer*, which documented the stupidity of the state's wine control regime in early March. The paper claimed Ohio is the worst among 17 states that regulate the price at which wine is sold.

It may be the worst, but all 50 states have a strictly enforced three-tier regime to regulate the sale of alcohol. Vintners must sell to wholesalers, wholesalers to retailers, and retailers to the public. Twenty states allow vintners to sell directly to consumers, through either mail order or the Internet. Not one state allows small vintners to bypass the first middlemen and sell directly to retailers.

The protectionist regimes are generally safe in state legislatures, but they are coming under increasing attack through the courts and the Internet. The Institute for Justice, a Washington, D.C.–based nonprofit legal group, is challenging a New York law that prevents direct wine sales from other states. Wine lovers can also take matters into their own hands. In Ohio, for example, wine enthusiasts buy direct from out-of-state stores. The law requires them to register these purchases and pay the markup. But as *The Plain Dealer* notes, "many bypass that step."

Ashcroft's 'reasonable restrictions'

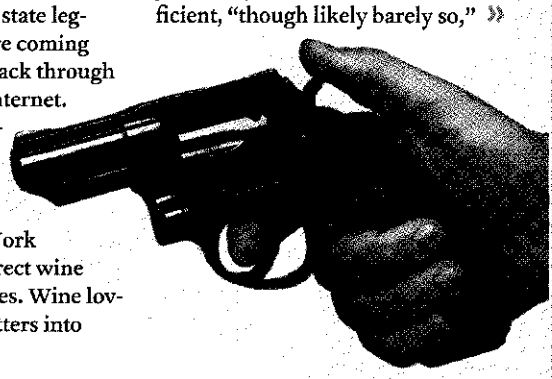
Second Thoughts

Jacob Sullum

ATTORNEY GENERAL JOHN Ashcroft has drawn harsh criticism from anti-gun activists for noting that the Second Amendment guarantees an individual right to keep and bear arms. Blinded by their outrage, activists have failed to notice that his position, even if adopted by the U.S. Supreme Court, is not likely to have practical consequences anytime soon.

In a November memo to federal prosecutors, Ashcroft endorsed *United States v. Emerson*, an October decision in which the U.S. Court of Appeals for the 5th Circuit concluded that "the Second Amendment, like other parts of the Bill of Rights, applies to and protects individual Americans." The Justice Department appended Ashcroft's memo to Supreme Court briefs it filed in May.

But those briefs urged the Supreme Court *not* to hear appeals from two decisions that rejected challenges to gun control laws. In fact, one of the cases was *Emerson*, in which the 5th Circuit upheld a federal law that prohibits gun ownership by people subject to restraining orders. The man who challenged the law was a Texas physician going through an acrimonious divorce, and the court found that the possibility of violence was sufficient, "though likely barely so," »



Quotes

"If it's your job to hunt Islamic fundamentalist terrorists, then it's your job to know that they don't hang out with Jewish lesbians in San Francisco."

—California peace activist Kate Rafael's response to an FBI agent seeking information about Muslim men, as reported May 15 by CBS News

"We at *The Sun* used poor judgment in deciding to run The Associated Press story Saturday about Navy sailors and exhausted prostitutes in Australia....Considering the hurt it has caused among the Navy families that are our readers, we can't satisfactorily answer the question: What purpose did it serve?"

—Scott Ware, editor of the Bremerton, Washington *Sun*, on May 12

Sources

"Woe to those who make unjust laws," reads Isaiah 10:1–2. "Do not accuse a man for no reason—when he has done you no harm," bids Proverbs 3:29–30. Those scriptural quotations and others have been culled by the true believers at www.christiansforcannabis.com, a Web site devoted to "educat[ing] the Christian community concerning the scriptural invalidity of the war on drugs."

For those who'd like to peruse the Good Book in its entirety, it can be downloaded—along with 8,000 other works—from the virtual library at www.blackmask.com.

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Brickbats

Protests by citizens near government buildings show that democracy in Vietnam has become "excessive," the head of the ruling Communist Party says. Party General Secretary Nong Duc Manh explains that citizens with complaints should confine themselves to filing grievances with local government agencies. "The fact that people gather with placards is abnormal," Manh says. "Other countries would not allow that. Our democracy is in many cases excessive."

Vice Principal Rita Wilson wanted to make sure that girls were dressed appropriately at a dance held by the Rancho Bernardo High School in suburban San Diego. Specifically, she wanted to make sure they were wearing bras and were not wearing thong underwear. So Wilson made them pull up their skirts and show her their skivvies at the front door—in front of male students, teachers, and police officers. Wilson has been placed on leave.

Frankie Colley, 11, recently spent 15 minutes locked in a freezer at his Toledo, Michigan, elementary school after he denied throwing food in the lunchroom. He escaped only when another student let him out at the end of the lunch period. Two cafeteria workers have been suspended.

Deseret News reporter Jerry Spangler could get up to 30 days in jail and a $1,000 fine. His crime? Writing an article about a diesel spill without reporting the spill to local authorities. The accident occurred after a supplier pumped fuel into an already full tank in the building that houses the newspaper. Spangler interviewed a state environmental quality official and talked to the building's managers. But to local officials, whom Spangler never called, that apparently doesn't count as "reporting."

Sonny Bad'aan must tear down his dream house. It cost him $500,000 Canadian to build, but according to a judge it sits too close to the National Capital Commission's Ottawa River Parkway. The house is only 4.8 meters from the NCC fence, not the required nine meters.

Harold Wilson is the Canadian government's federal ethics counselor. He's supposed to enforce the nation's conflict-of-interest laws, which are meant to keep the prime minister and his cabinet in line. But some charge that he is acting more as Prime Minister Jean Chrétien's adviser than as his watchdog. Wilson has stepped forth to defend Chrétien on several occasions and recently was forced to admit that he helps draft Chrétien's answers to questions from the legislature about perceived ethical lapses.

Two police officers from Raleigh, North Carolina, traveled to Wilson, North Carolina, to conduct a class on submachine gun handling. But when they arrived, they found that their bags—containing a handgun, a machine gun, and several clips of ammo—had fallen out of the back of their pickup. Motorists found the guns along the highway and handed them over to authorities. Presumably, the next time the police conduct a course on machine guns, they'll have a section on proper transport and storage.

Charles Oliver

to justify the restriction.

More generally, the court said "limited, narrowly tailored specific exceptions or restrictions for particular cases" may be consistent with the Second Amendment. Ashcroft's memo likewise emphasized that "the existence of this individual right does not mean that reasonable restrictions cannot be imposed to prevent unfit persons from possessing firearms or to restrict possession of firearms particularly suited to criminal misuse."

Ashcroft's definition of "reasonable restrictions" seems pretty broad. "The Department can and will continue to defend vigorously the constitutionality, under the Second Amendment, of all existing federal firearms laws," he wrote.

Among other things, this means Ashcroft considers the federal ban on "assault weapons," which targets guns based on their scary looks, a reasonable restriction. Presumably, an equally arbitrary federal ban on "Saturday night specials" (inexpensive handguns) also would meet his standard.

Evidently, the Brady Law, which requires Americans to get clearance from the police before exercising their constitutional rights, is a reasonable restriction. Perhaps federal licensing and registration would pass muster too.

Gun controllers may find it easier to live with the Second Amendment than they thought.

Medical privacy in Florida

Following the Scrip

Brian Doherty

THE FLORIDA legislature has declined to go along with Gov. Jeb Bush's attempt to turn a family problem into a problem for the whole state.

In January, Bush's daughter Noelle was nabbed while using a forged prescription to procure the tranquilizer Xanax at a Tallahassee drug store. In the aftermath, the governor pushed for a new law to ensure that future Noelle Bushes would have government watchers, not merely supportive families, to help control their "substance abuse."

The bill would have created a state database of controlled drug prescriptions, complete with the name and address of the buyer, to make it easier for police to detect patterns of lawbreaking. When the bill failed to pass in the legislature's normal session, the governor had it added to the agenda for a special session in May, during which the Senate passed it but the House failed to vote on it.

Larry Spalding, who tracks legislation for Florida's branch of the American Civil Liberties

Union, says at least 16 states already have similar databases. Such databases potentially provide "easy one-stop shopping for stalkers, nosy coworkers, bitter ex-spouses, corrupt cops, and the like," notes James Plummer of the National Consumer Coalition's Privacy Group. The Florida bill had pro forma requirements that only government officials and doctors could access the database, but it had no punishment provisions for violators, leaving the door open to abuse.

Ironically, the proposed law would not have covered Xanax. It covered only Schedule II and III drugs; Xanax (alprazolam) is on Schedule IV. But the bill did allow the state Department of Health to add new drugs to the list at its discretion.

The private lives of judges

High Court

Sara Rimensnyder

CAN A JUDGE unwind after work by smoking pot?

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Balance Sheet

Jeff A. Taylor

Flat Land

Russia's flat tax experiment succeeds. A 13 percent flat rate produced a 28 percent revenue gain in 2001, spurring a cut in corporate levies from 35 percent to 24 percent. The government also plans to simplify the rate for small businesses.

Private Replay

SonicBlue, the maker of ReplayTV digital video recorders, wins a reprieve from a court order to collect information on users' viewing choices pursuant to a copyright lawsuit by big media companies. An appeals court says the order to gather "all available information" on what consumers do with the units was nuts.

Herbal Infusion

A Rastafarian in Guam forces the feds to defend pot laws. A federal appeals court in San Francisco, citing the 1993 Religious Freedom Restoration Act, suggests that possession of marijuana for religious use may be immune from prosecution in "the federal realm," including territories, national parks, and even the District of Columbia.

Sweet Identity

A cryptography expert in Japan fools fingerprint readers with Gummi Bears. Tsutomu Matsumoto uses candy gelatin to make a fake finger, which he finds passes fingerprint detectors four times out of five.

Gun Horseplay

The principal of a Colorado elementary school can no longer quiz students who play cops and robbers about their families' firearms. The Cherry Creek School District says disciplining fourth-graders' make-believe shootouts is OK, but asking if they have real guns at home is not.

Helping Hand

Using a design inspired by the exoskeletons from *Aliens*, off-the-shelf voice recognition software, and a battery for model airplanes, engineering undergrads at Johns Hopkins University build a robotic helper arm for a disabled man.

Professional Help

All those FBI agents who couldn't be troubled to canvass flight schools for men who didn't want to learn how to take off or land have been found. They were in New Orleans, wiretapping an upscale brothel. The city is on edge as the madam prepares to name the johns who contracted her $300-an-hour employees.

Jumping Beans

Add caffeine to the sin tax list. Seattle mulls slapping a 10-cent levy on its lattés to help fund education. The tax would raise $7 million to $10 million a year, backers say.

Funny Money

The U.S. Treasury considers printing U.S. currency in different colors to thwart counterfeiters. Canada, meanwhile, has had multihued money for 66 years and reports no shortage of bad bills.

PETA Sandwich

The National Collegiate Athletic Association caves to a single letter from People for the Ethical Treatment of Animals demanding that the NCAA eliminate leather basketballs from its tournaments. PETA claims one cow makes only four basketballs.

Candid Camera

The Missouri House of Representatives passes a measure making it a crime to take pictures of animals in barns without the owners' consent. The bill is intended to stymie investigative reporters or activists looking to document animal abuse.

Chug TV

The FX network's "World Beer Games" draw the ire of anti-alcohol zealots. They fear events like the "pint curl" will glamorize drinking in the eyes of teens.

Shots Down

Researchers in Maryland find evidence that those vaccinated against smallpox before the mid-1970s are no longer immune to the disease. Out of 621 microbiologists who checked their immunity in recent years, 94 percent needed fresh shots.

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Data

Building Crisis

Mike Lynch

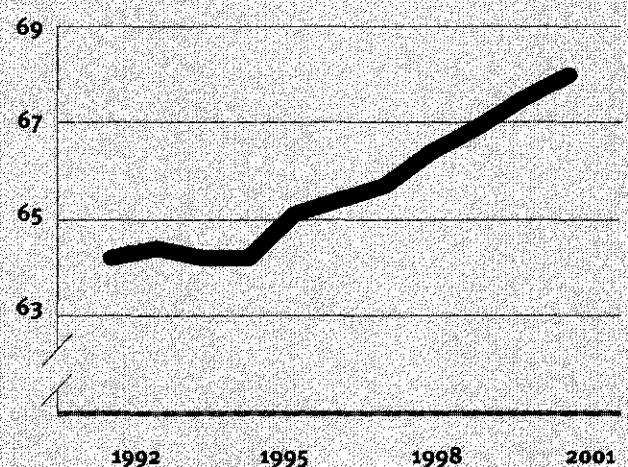
That housing prices have held up in the midst of the stock market downturn is considered a blessing by many economists—and by the nearly seven in 10 families that own their homes. But it's a cause of concern for local pols and academics who worry for a living—and seek federal subsidies as a solution for every problem.

In May, the U.S. Conference of Mayors descended upon Washington, D.C., in an effort to call attention to a purported housing crisis. From 1991 to 2001, the mayors fretted, household income increased by 45 percent while the price of homes jumped 52 percent. "We have to be able to answer the question, where are our children going to be able to live?" Nicolas Retsinas, head of Harvard's Joint Center for Housing Studies, told *USA Today*.

If the mayors get their way, those kids will be living in federally subsidized housing. Yet no crisis exists. Over the same decade that housing allegedly became less affordable, homeownership rates increased in every region of the country.

A Home of One's Own

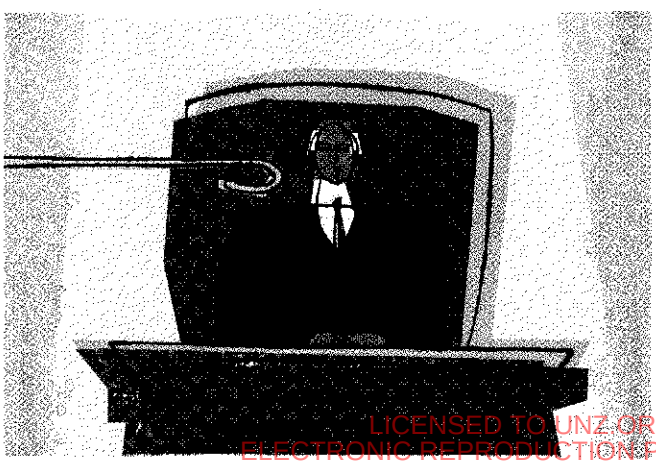
(percentage of households owning a home, 4th quarter of each year)



Source: U.S. Census Bureau

› Phoenix judge Philip Marquardt did. Convicted twice on marijuana charges, he lost his law license in 1991. A decade later, two convicts whom he sentenced to death in the 1980s are arguing that his leisure activities prevented them from receiving fair trials. They want their sentences reviewed.

If the two men lose their appeals, it would mark a win for those who believe that one can balance marijuana use against other pursuits and continue to function normally, just as people assume to be the case with alcohol. That argument was rejected by a three-judge panel of the U.S. Court of Appeals for the 9th Circuit, which ruled that William Summerlin, one of the two prisoners, deserved a hearing to offer evidence that he deserves resentencing. Chronic marijuana use, the majority wrote, "renders smart people average and average people stupid."



If the two murderers ultimately win the right to be sentenced by a new judge, the decision might suggest that every element of a judge's private life could and should be scrutinized to make sure a defendant is getting a fair trial. "If this is a legitimate inquiry," Arizona Assistant Attorney General John Pressley Todd asked *The New York Times*, "what about a divorce or loss of a child?"

Judge Alex Kozinski, the dissenting voice on Summerlin's appeals panel, argued that there was no proof Marquardt's drug use had affected his judgment, and that a rehearing would invite unwarranted intrusion into judges' personal lives. "Judges rightly expect to have medical histories, family tragedies, even occasional overindulgences in intoxicating substances, remain private," Kozinski wrote.

For now, the appeals court decisions regarding both men's cases are on hold while the state awaits a U.S. Supreme Court ruling on a related matter: whether Arizona's practice of having judges rather than juries hand down the death penalty is constitutional. ▯

No mobile homes?

Trashing Trailer Parks

Jesse Walker

TWO PEOPLE WERE murdered recently in Beulah in the Pines, a trailer park in the aptly named town of Micro, North Carolina. There are reports of drug dealing there, too. According to Johnston County Sheriff Steve Bizzell, the park is "probably one of the worst things that ever happened in Micro." He'd like to ferret out the troublemakers, but lately he's been pushing another idea: shutting down the whole village, on the grounds that it's a public nuisance.

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POTUS and the Brain

Sara Rimensnyder

Tevi Troy

Tevi Troy, author of *Intellectuals and the American Presidency: Philosophers, Jesters, or Technicians?* (Rowman & Littlefield), has some advice for presidents: Don't be an intellectual yourself, but don't ignore intellectuals. And don't underestimate an intellectual's capacity for flattery. "Intellectuals matter," he says. "Presidents can thrive by recognizing that or stumble if they don't."

Troy is a man of ideas himself, armed with a Ph.D. in American civilization from the University of Texas and think tank bona fides from stints at the Hudson and American Enterprise institutes. He has been published in outlets such as *The Wall Street Journal*, *The New Republic*, and **reason**. His new, meticulously researched history scopes out the role eggheads have played at the White House since 1960—or, perhaps more accurately, scopes out how the White House has played eggheads.

Troy likely knows something about that too. He's President George W. Bush's newly minted special adviser to the White House Domestic Policy Council. Previously, he served at the Department of Labor. While happy to discuss past administrations' experiences with intellectuals, Troy is keeping mum about his current boss's interaction with the smart set. Assistant Editor Sara Rimensnyder spoke with Troy in June.

Q: How do American presidents use intellectuals?

A: They use intellectuals to improve their image with media, with voters, and with the history books. Ideas from intellectuals are picked up by presidents and in campaigns. The question that inspired me to write the book was, How do ideas make it to the people in power?

Q: What are some examples of how intellectuals have made an impact on policy?

A: Supposedly the War on Poverty was inspired by Michael Harrington's book *The Other America*, after a *New Yorker* review made it to John F. Kennedy's desk. Another example would be Martin Anderson, Ronald Reagan's most prominent intellectual. He synthesized ideas about communism, taxation, and regulation, articulating them into a single vision that worked very well for Reagan.

Q: Which presidents have used intellectuals most and least effectively?

A: John F. Kennedy was the most successful; he established the model. He developed an intellectual mystique by affiliating with the historian Arthur Schlesinger and the economist John Kenneth Galbraith. Among other benefits, those relationships helped him win the support of the liberal elite.

Right after Kennedy, Lyndon B. Johnson tried to do a similar trick with Eric Goldman, a Princeton history professor. That failed miserably, so Johnson may have been the least successful. He never knew whether Goldman was on his side or the side of the intellectuals. And Goldman didn't know either.

Interestingly, neither murderer actually lived in the park.

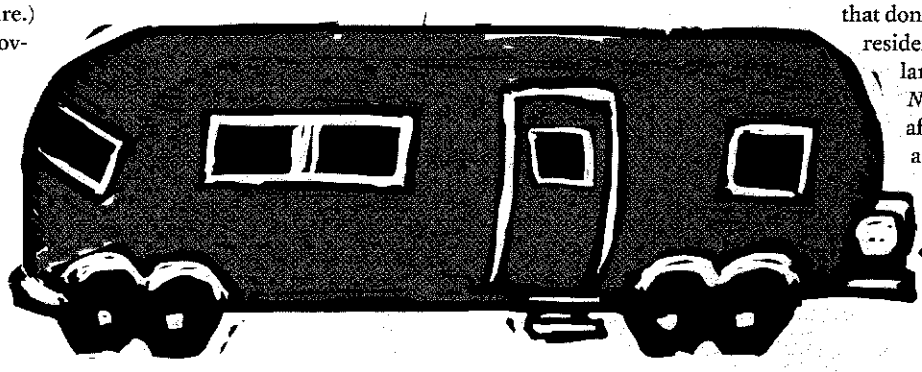
Mobile homes are almost as old as cars, and arguably older—in a sense, we've had them since covered wagons settled the West. (Indeed, one of the early trailer campers, unveiled in 1929, was called the Covered Wagon.) Laws against trailers date back at least as far as the 1930s, when many cities regarded them much as the authorities in Europe traditionally regarded the Gypsies.

The vessels and their residents acquired some more respect in the years after World War II, as veterans moved into mass-produced mobile homes. But they still carry a stigma.

"Mobile homes are always being attacked," Stewart Brand wrote in his 1994 book *How Buildings Learn*. "By aesthetes for their appearance. By bigots for housing the 'wrong' people. By the construction industry for 'unfair' competition. By local government for paying insufficient taxes." Even the last charge is invalid: As Brand notes, trailer parks often *save* governments money, by taking on the costs of sewage, water, trash collection, and road maintenance. Yet the foul reputation remains.

Lately, the war on manufactured housing has been stepped up. If the local sheriff isn't pushing to evict a park, developers may be itching to build something more conventionally attractive—and profitable—on the land. Sometimes, of course, this takes place privately, between the developer and the landlord. (For that reason, among many others, some mobile home owners have been forming trailer park co-ops, thus cutting the landlord out of the picture.) Other times, though, local governments are behind the move, encouraging redevelopment for any or all of the reasons cited by Brand. According to *The Christian Science Monitor*, many cities "are interested in replacing old parks with today's newer-model trailers, which tend to look more like regular homes."

As for the park in Micro, its future is still uncertain. In late March, Sheriff Bizzell gave it 90 days to shape up or be shipped out; at press time, he still hasn't announced his plans. The citizens of Beulah in the Pines are hoping he'll reconsider. "You have a lot of people out here that don't bother nobody," resident Patricia McMillan told the Raleigh *News and Observer* after Bizzell's initial announcement. "If you shut the place down, you're going to put a lot of innocent people out of a home." ▯



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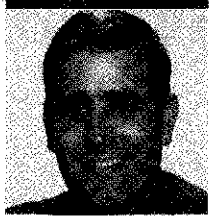

Road Show

The rock star and the treasury secretary demonstrate the limits to aid.

THE RECENT AFRICAN poverty safari of U2 frontman Bono and Treasury Secretary Paul O'Neill taught the world many things. Chief among the lessons: Publicity stunts still work.

True, the *Odd Couple* comparisons, all that starched shirt vs. blue wrap-around sunglasses stuff, quickly grew tired. But the stunt had its uses, including starting a discussion about the efficacy of foreign aid, the causes of poverty in Africa, and the effect American domestic policy has on the poor abroad.

Many people believe that a simple recipe produces wealth. Take a bit of capital, add labor, and stir. Bake at 350 degrees for a year or so, and out pops an increase in goods people both want and are able to consume. In this view, poor countries merely need a supply of missing ingredients, usually the capital, which can be provided by wealthy countries with dough to burn. The favorite example is the Marshall Plan. "You still find people my parents' age in Europe who talk about the Marshall Plan," Bono told *Time*. "Can we do something that people will be proud of in generations?"

The Marshall Plan, however, is more a model of successful public relations than of successful economic aid. Tyler Cowen, an economist at George Mason University, has studied the postwar economic performance of the plan's purported beneficiaries and found a tenuous relationship between aid and economic growth. Some countries, such as Germany, France, and Belgium, were already growing before the aid arrived. Others, such as Austria, only started growing only after it was trickling off.

The Marshall Plan stunted growth in important ways. For every dollar in U.S. aid that a European government received, it had to spend a dollar of its own currency. This sucked money out of the private sector and increased state planning and control over the economy. Other aid conditions distorted trade and punished exporters. In at least one country, Greece, the aid increased corruption. "The so-called dollar shortage was not the critical problem facing Europe at the time," writes Cowen. "Bad economic policy was the true culprit."

The Marshall Plan was a screaming success, however, when compared to development aid to African countries. In Africa as in Europe, the cause of economic problems is bad government policy. For evidence, examine World Bank insider William Easterly's masterful book, *The Elusive Quest for Growth* (2001).

Easterly has both an exceptional understanding of academic theory and the scars from trying to apply it over many years. The leading lights of the development aid industry, he reports, don't know much about economic growth. To this day, they use a Soviet-inspired growth model that was acknowledged as useless by one of its own developers way back in 1957. (Its chief virtue is that it always tells them to spend more money.) More to the point, they systematically refuse to accept what they *do* know: that what's missing in developing countries is not something that wealthy donors can easily bestow, such as a wad of cash or a boatload of high-tech equipment. What's missing are the institutions that make economic activity possible.

Easterly stresses that structural incentives matter. When people can benefit from investing in the future, they do so. Where investment is likely to be destroyed by corrupt governments, they don't.

One might think that this would be a nearly universally accepted view, especially in a profession supposedly based on the insight

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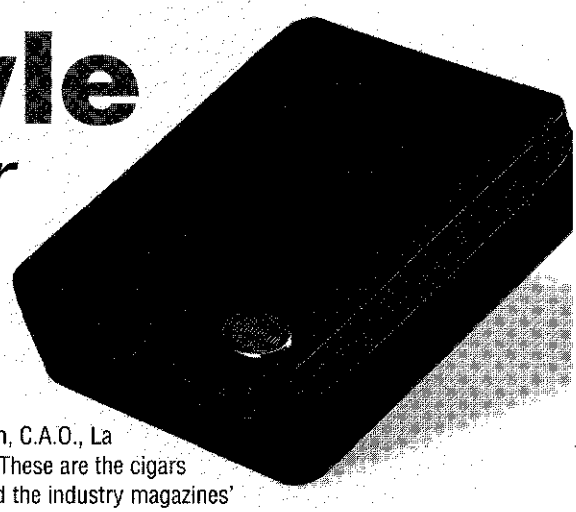

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that people rationally pursue their self-interest. Certainly, it isn't a fresh idea. The recently deceased economist Peter Bauer trumpeted it for years. Bauer spent the early years of his professional life in Malaysia and West Africa, where he saw both the entrepreneurial productivity of local farmers and the deadening effects of government policies.

"Where people's abilities, motivations and social and political institutions are favorable, material progress will occur," Bauer wrote in 1972. "Where these basic determinants are unfavorable, development will not occur, even with aid."

Yet this hasn't been the standard view among development economists, who practice a discipline that owes its very existence to the aid it champions. "We must recognize that there are few, if any, truly universal principles or 'laws' of economics governing economic relationships that are immutable at all times and in all places," the economist Michael P. Todaro writes in the 1997 textbook *Economic Development*.

In this view, the key is government planning: "A larger government role and some degree of coordinated economic decision making directed toward transforming the economy are usually viewed as essential components of development economics."

Which brings us back to the starting point of both Easterly's book and Bono and O'Neill's tour: Ghana, where the fruits of "coordinated economic decision making" are on dismal display. Easterly opens *The Elusive Quest for Growth* in 1957, the year the country gained independence from Britain, a separation that left the former colony with new roads, health clinics, and schools.

At the time, Ghana produced two-thirds of the world's cocoa. It also had many development economists to help it grow, and both the Soviet Union and the United States were eager to kick in cash and advice. Ghana's new leader used foreign money to construct a giant dam, a project that was supposed to provide power for an aluminum plant even as it created a domestic fishing industry and brought transportation and irrigation to the farmers. In total, aid enthusiasts figured it would power growth of up to 7 percent per year.

Only the aluminum plant came through. Writes Easterly, "The saddest part was that the Volta River project was the most successful investment project in Ghanaian history."

Ghana's new government was far more gifted at destroying wealth. Successive leaders regarded cocoa producers not as successful businesses to be nurtured but as a bank to be robbed. The government forced the farmers to sell to the state at fixed rates—at one point a mere 6 percent of the world price.

Officials then sold the cocoa on the world market and pocketed the difference. The farmers soon quit producing, and cocoa exports dropped from 19 percent of gross domestic product to 3 percent. Today, Ghana remains poor.

Undeveloped countries are plagued with leaders who pursue their narrow interests at the expense of those who live in the territory they control. Consider one current crisis, a famine in southern Africa produced by bad weather and terrible public policy. The Malawi government, whose citizens are currently starving, actually sold 167,000 tons of emergency grain last year but can't account for the money. The agricultural sector in Zimbabwe, which typically kicks off surplus food, was decimated when President Robert Mugabe, facing a difficult election, played the race card and redistributed white-owned farms to blacks. Food production dropped 40 percent.

None of this is to say that the African leaders whom Bono and O'Neill encountered don't have legitimate beefs with U.S. and European policy. The recently passed farm subsidy bill will depress world prices of grains, soybeans, and cotton. That hits Africa's agriculture-based economies particularly hard. Meanwhile, Ghana's finance minister points out that his country's farmers can sell all the raw cocoa they want to Europe. But if they produce cocoa butter or chocolate, they are hit with high tariffs.

The World Bank estimates that the protectionist farm policies of the developed world cost African farmers $2.5 billion a year. The U.S. lowered trade barriers to African producers last year with the African Growth and Opportunity Act. But some domestic interests, such as textile producers, are still protected.

Yet contrary to Bono and many devotees of aid, it's not the developed West that's doing the most to frustrate trade in Africa. Most African countries maintain much higher tariffs against each other than the developed world does against them. If African leaders are serious about ending poverty, they ought to get their own policy houses in order by lowering barriers to trade—and forming governments that protect wealth rather than confiscate it. ◻

Mike Lynch (mwlynch@reason.com) is **reason***'s national correspondent.*

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Spin This

The trouble with Bill O'Reilly

TO HIS DETRACTORS, Bill O'Reilly, the tough-talking host of the phenomenally popular Fox News show *The O'Reilly Factor*, exemplifies the meanness and vulgarity of public discourse. The leftist media watchdog group Fairness and Accuracy in Reporting calls his show "The Oh Really? Factor" and takes him to task on a regular basis for mistreating guests and clutching "at any straw to avoid admitting he's wrong."

To his admirers, O'Reilly is a scourge of liberal pieties, a commentator who cuts through elitist nonsense and upholds common sense. As Stanley Kurtz put it in *National Review Online*, "O'Reilly's plenty smart alright, but his tough-talking, working-class hero persona drives our cultural aristocracy nuts."

Love him or hate him—or love to hate him— O'Reilly certainly pulls in the audience. By the most recent figures, his show averages nearly 2 million viewers a night, handily beating CNN's *Larry King Live* even though the latter is far more widely available.

O'Reilly and his *Factor* have much to recommend them. (For what it's worth, my sole appearance on the show, in January 2001, was a very positive experience.) He makes an effort to present both sides of an issue and to invite guests with whom he disagrees, even if he does tend to harangue them. He is upfront about his biases. His bluntness can be refreshing—for instance, when he told cartoonist Ted Rall, who decided it would be provocative to mock the pregnant widow of the slain journalist Daniel Pearl as an attention seeker, that he was making himself look like a jerk.

A wealthy graduate of Harvard's John F. Kennedy School of Government, O'Reilly positions himself as a champion of the common man against both economic and cultural elites, and as a champion of common sense against intellectual sophistry. Given the propensity of modern intellectuals to believe in preposterous things, this means that O'Reilly turns out to be right a lot of the time. He also has the guts to take stances likely to alienate a good portion of his socially conservative core audience—he's against the death penalty, for example, and condemns virulent anti-gay rhetoric.

But O'Reilly's populist conventional wisdom has its limitations. As a result, his "no-spin zone," as he calls his show, sometimes offers a rather bizarre spin on the issues.

Consider a February discussion of the Supreme Court's refusal to review a ban on the display of the Ten Commandments at the Indiana statehouse. O'Reilly asserted that the Ten Commandments do not imply the endorsement of a particular religion but merely support general spirituality and "moral behavior."

His guest, UCLA law professor Eugene Volokh, pointed out that the Ten Commandments—which include "Thou shalt have no other God before me"—belong to Judaism and Christianity. O'Reilly retorted that nothing in them could be seen as contrary to Buddhism: "Buddhism is based upon pretty much the same tenets here, monotheism, one God."

Apart from this peculiar interpretation of Buddhism, which in its various forms either recognizes no personal god or worships many god-like, enlightened beings, O'Reilly seemed to ignore completely the existence of Americans who are not monotheists but polytheists (such as Hindus), agnostics, or atheists.

Just how blinkered and dogmatic O'Reilly's "common sense" can be is most evident in his relentless cheerleading for the War on Drugs.

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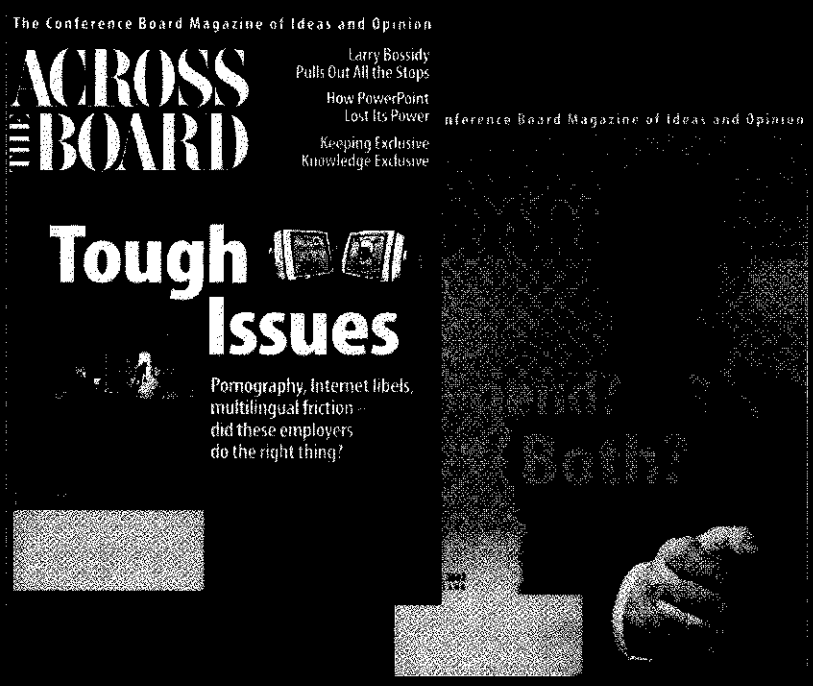
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His rhetoric on the subject rarely goes beyond some variation on "drugs are evil" and on occasion descends into outright demagoguery. Earlier this year, Ethan Nadelmann of the Drug Policy Alliance appeared on the *Factor* to discuss the Office of National Drug Control Policy ad that premiered during the Superbowl. The ad, which showed teenagers alternately saying things like "My life, my body" and "I helped blow up buildings," asserted—much to O'Reilly's approval—that casual drug users are helping underwrite terrorism.

Nadelmann noted that American teenagers' primary drugs of choice are marijuana and Ecstasy, which are not linked to the funding of terrorism. O'Reilly countered that the Ecstasy trade is "run by Middle Eastern guys." When Nadelmann expressed skepticism, O'Reilly proposed a $100 bet.

The next day, in his "most ridiculous item of the day" segment, O'Reilly cited a government report which mentioned "the involvement of Israeli criminal organizations in Ecstasy smuggling. Some of these individuals are of Russian and Georgian descent and have Middle Eastern ties." He gleefully invited Nadelmann to "send a 100 bucks to Habitat for Humanity in New York City....It would be ridiculous not to do that."

According to Nadelmann, he never did send a check and never heard from O'Reilly again; but of course, he wasn't the one being ridiculous. It's fairly obvious that when people speak of Middle Eastern ties in the context of terrorism, they are not thinking about Russian- and Georgian-born Israeli mobsters.

Confronted with pro-legalization arguments, including the question of what makes illegal substances so different from legal ones such as alcohol and tobacco, O'Reilly tends to bluster his way out. A typical display occurred in his interview with Keith Stroup of the National Organization for the Reform of Marijuana Laws in May.

> Bill O'Reilly shares at least one trait with one of the public figures he most despises: Bill Clinton.

When Stroup pointed out that Holland, where marijuana is legally sold in coffee shops, has lower rates of marijuana use than the United States, O'Reilly testily replied that this was due to Holland's smaller population. Stroup countered that he was referring to percentages, not numbers.

"That statistic's skewed," O'Reilly shot back. "If you...ask the government of the Netherlands to tell us about how many kids get caught, they won't tell you. I don't believe them for a second."

When all else fails, there's the tried-and-true tactic of invoking the children: "In America, where we have...such a substance abuse problem, if you legalize another intoxicant, that intoxicant inevitably is going to find its way down to the kids of America," O'Reilly told Stroup. Based on this logic, one would presumably see no problem with banning alcohol to protect the kiddies, either.

The tendency to invoke "the children" as the ultimate rationale for any dubious social policy is a trait O'Reilly shares with one of the public figures he most despises: Bill Clinton. The focus on children has led O'Reilly to do excellent hard-hitting programs on issues ranging from abuses in the child welfare system to child molestation by clergy. But it has also led him to chide politicians for not pressing for the resignation of Catholic cardinals who have covered up claims of sexual abuse, brushing aside constitutional issues of church and state by saying, "I want to see the big boys out of there for the sake of the kids and for the sake of justice."

At its worst, O'Reilly's black-and-white approach to complex issues translates into a tendency to demonize the opposition. After his appearance on *The Factor*, Nadelmann received an obscenity-laden e-mail accusing him of promoting drug use and threatening to "break every bone in your worthless useless body." While O'Reilly is hardly responsible for the ravings of his less stable fans, Nadelmann believes that "he does play to such sentiments."

The Factor will undoubtedly continue to draw plenty of thoughtful and intelligent viewers—as well it should. But I would worry about any member of the audience who doesn't want to yell at O'Reilly at least as often as she wants to cheer him on. ■

Contributing Editor Cathy Young (cathyyoung2@cs.com) is a columnist for The Boston Globe.

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Banned in Brisbane

Australia is outlawing fun. Who's next?

"YOU CAN'T RAISE a child in *Australia*," a justifiably horrified friend told me when I announced that my wife and I would be moving to her hometown of Sydney. "They've banned *Grand Theft Auto 3*!"—a wildly popular video game notorious for its gore, crime, and sex. Aussie regulators had worried that the game would be a bad influence on the youth of a country whose national hero is the outlaw Ned Kelly. (Faced with the prospect of being shut out of an entire continent, the manufacturer ended up making a sanitized version just for Oz dwellers.)

As far as its officials are concerned, the nation whose ecosystem has more creative ways to kill you than any other on the planet can't handle a little R-rated electronica. In a country that produces the world's 10 most poisonous snakes, whose chief cultural export is crocodile wrestlers, and where a prime minister once went swimming and vanished without a trace (there's a municipal pool named after him), the locals are literally not to be left to their own devices.

It's not just PlayStations and GameCubes that are now considered potential corruptors in the homeland of the rock band AC/DC. In recent months, Australian legislators, pundits, and academics have become so enamored with trying to forbid anything they find upsetting that some of them would be more at home in an Oberlin College sensitivity workshop than in the country that coined the phrase, "No worries, mate."

Australia—the rugged land of the Outback, famously shark-infested waters, and an inscrutable version of football whose basic point seems to be inflicting physical punishment—is now threatening to become the free world's leader in restricting anything that smacks of fun.

Today, school kids aren't even allowed out at recess unless their heads are covered, lest they become future skin cancer cases, as part of the education establishment's suggestive-sounding "no hat, no play" campaign.

Many nations, including Australia, have banned cigarette advertising, and there are people everywhere, including the Land Downunder, who would like to see fast food companies get the same treatment. But Australia is hell-bent on taking things even further.

The most ludicrous of these proposals—and one that has developed a surprising amount of traction, so to speak—is a ban on ads in which automobiles are shown being operated unsafely (that is to say, at all). Even the kid who says "zoom, zoom" in the Mazda ads would be hauled off to Botany Bay if some state legislators have their way.

"I think our road safety message is being undermined in these ads," said Peter Batchelor, the transportation minister for the state of Victoria. After all, who knows how many rainy day fender-benders could be prevented if only drivers were barred from seeing images of their cars being driven at speeds approaching the legal limit? While the ban on car advertising has not yet been made law, automakers are considering a regime of "self-regulation."

This sort of ban is threatening to have a detrimental effect on Australian culture, which has never prided itself on restraint. "It's becoming a very bland world," one advertising executive lamented recently.

If this trend continues, it's only a matter of time before a great country that birthed the trigger-happy apocalyptic antihero Mad Max becomes a place where no one is allowed to possess anything sharper than safety scissors.

Worse yet is the likelihood that Americans will glom onto the Australian model just like it fell, however fleetingly, for Olivia Newton-John, the Bee Gees, and Paul Hogan. All it will take is one U.S. activist to declare Australia the most enlightened country in the world on the grounds that you can drive for 1,000 miles without seeing a billboard for Marlboro or McDonald's and then turn on the hotel TV without seeing a single car being operated unsafely.

And if that "zoom, zoom" kid does show up on screen, he damned well better be wearing a hat. ◻

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forever young

The new scientific search for immortality

Ronald Bailey

GOAT TESTICLE TRANSPLANTS. Elixirs of jade. Inhaling the breath of virgins. Injecting crushed dog gonads. Drinking radioactive waters.

These are just a few of the ways people have sought to lengthen their lives and renew their vitality. The oldest narrative to come down to us through the millennia—the Gilgamesh saga, from ancient Sumeria—describes a quest for immortality and perpetual youth. Enkidu, bosom buddy of the semi-divine King Gilgamesh, is killed for mocking the gods. The heartbroken king seeks the advice of Utnapishtim and his wife, the only two mortals to whom the gods have granted eternal life. Utnapishtim directs Gilgamesh to a certain waterweed that will restore his youth. Gilgamesh finds it but falls asleep, and a snake eats the weed. In the end, Gilgamesh realizes that the only immortality human beings can aspire to is making names for themselves as builders of cities.

This is, to say the least, unsatisfactory. As Woody Allen once put it, "I don't want to achieve immortality through my work. I want to achieve it through not dying." Modern biomedical researchers, in the quest for the equivalent of Gilgamesh's waterweed, have made great progress in unraveling the mystery of aging. Physical immortality may not be in the immediate offing, but the day may come when death is radically postponed, if not fully optional.

The barriers to this goal are not just biological but political. Believe it or not, some of our most influential contemporary intellectuals are opposed to the idea of long, healthy lives. "The finitude of human life is a blessing for every individual, whether he knows it or not," wrote Leon Kass, the president's favorite bioethicist, in the May 2001 issue of *First Things*. Francis Fukuyama warns in his new book *Our Posthuman Future* that young geezers will "refuse to get out of the way; not just of their children, but their grandchildren and great grandchildren." And then there's Daniel Callahan, co-founder of the Hastings Center, the nation's leading bioethics think tank. "There is no known social good coming from the conquest of death," he declared at a March 2000 conference on aging and life extension. He added, "The worst possible way to resolve this issue is to leave it up to individual choice.

Everlasting life may not be in the immediate offing, but the day may come when death is radically postponed, if not fully optional.

On the scientific front, though, there's good reason for optimism. "The prospects of dramatically increasing human longevity are excellent," declares Steven Austad, a biologist at the University of Idaho. "Don't expect them tomorrow, but there will be major advances within the next 50 years." Austad, author of the 1997 book *Why We Age: What Science Is Discovering About the Body's Journey Through Life*, expects 20- to 40-year jumps in longevity to occur later in this century.

"We see ourselves on the cusp of the second longevity revolution," agrees Jay Olshansky, a demographer at the University of Chicago and the author of *The Quest for Immortality* (2001). "Scientists are on the verge of discovering major secrets of aging." The first longevity revolution occurred in the early 20th century, as infant mortality declined and infectious diseases were conquered; as a result, more young people now enjoy the opportunity to become old. The next longevity revolution, by contrast, will actually postpone old age.

Of the two researchers, Olshansky can be considered the pessimist. He bet Austad $500 million that there will no

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150-year-old person alive and in fairly good shape in 2150. The bet was set up as a trust fund endowed by $150 from each scientist. Given the math behind compound interest, the winner's heirs will get the $500 million payout on January 1, 2150.

love and death

Woody Allen might appreciate the science of longevity as well as the results. Sex and death, it turns out, are inextricably intertwined. "It doesn't pay to have a body that will last forever," notes Austad. "Evolution only cares about reproduction." Every body harbors a line of immortal cells: the germ cells that produce eggs and sperm. Germ cells migrate from body to body down the millennia, disposing of their worn-out carriers as they move on. Once your ovaries or testes are done with you, they couldn't care less whether you live.

Cryonicists freeze people in liquid nitrogen with the idea that future technologies will be sufficiently advanced that the patients can be thawed out, revivified, and cured.

Here, then, is the definitive answer to the eternal question: Which came first, the chicken or the egg? The egg did. A chicken is merely an egg's way of making more eggs.

In the case of human beings, evolution has selected for a set of genes that keep our bodies in pretty good shape long enough to mature sexually, produce progeny, and raise those progeny to sexual maturity. Time elapsed: about 40 years. The evolutionary insight here is that if a body invests a lot of energy in repairing itself, it will reduce the amount it can devote to reproduction. That may be good for individual bodies, but your germ cells have no interest in keeping you forever young.

The UCLA biologist Michael Rose firmly established the evolutionary connection between sex and death by breeding fruit flies. Rose selected only those flies that reproduced late in life and bred them with one another. The longer it took the insects to reproduce, the longer they lived. Rose now has flies that live 130 days instead of the usual 40.

The connection was further bolstered this January by Cynthia Kenyon, a biologist at the University of California at San Francisco. Kenyon reported that she could double the life spans of nematode worms by removing their germline stem cells—the cells that produce eggs and sperm. Then there's Lawrence Donehower's recent research at Baylor Medical College. Donehower has found that the genes that are helpful in guaranteeing a robust youth are harmful in the long run. The tumor-suppressing p53 gene keeps us from developing cancers in early life, but at the cost of stimulating our immune systems to destroy over time the reserve of rapidly dividing stem cells that replenish our tissues. As our stem cells are killed off, our tissues deteriorate. The result of this "antagonistic pleiotropy" is aging.

Another example of antagonistic pleiotropy was discovered by the biologist Leonard Hayflick in 1961. Hayflick, now at U.C.-San Francisco, found that human cells in vitro would divide only 50 to 80 times, then stop. For a while, some researchers thought this "Hayflick limit" might be the key to aging. What it appears to be is an evolved mechanism to prevent cancer. Cancer is the uncontrolled proliferation of cells, and as cells divide they often accumulate errors that predispose them toward becoming cancerous. If there is a limit on the number of times a cell can divide, such a limit prevents cells from eventually mutating into cancer cells.

How do cells know when to stop? Through telomeres, caps composed of repetitive DNA sequences at the ends of chromosomes. These function somewhat like the aglets on the ends of shoelaces that keep them from unraveling. Through a peculiarity in DNA replication, each time a cell divides, its daughter cells lose a tiny bit of their telomeres. Once the telomeres are gone, the cell stops dividing and becomes senescent.

Two types of cells do not suffer this problem. One is the germ cells that are the progenitors of sperm and eggs. Their telomeres are restored by an enzyme called telomerase, making them essentially immortal. The other group is cancer cells. They can divide without limit, which is what makes them so deadly.

Significant aging is a relatively new phenomenon. Over evolutionary history, once creatures began to falter in any way, they were eaten or dropped dead of disease—eaten by bacteria, as it were—so they never had a chance to get old. "As soon as an animal in the wild starts to slow down even a little bit, it's eliminated from the population very quickly," says Simon Melov, a researcher at the Buck Institute, a nonprofit

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organization devoted to aging research. "Aging is not a natural state for us either," he adds. "The evidence we have indicates that 10,000 to 20,000 years ago, most people didn't live much past 30." Today, the only creatures that actually experience aging are human beings and the animals they protect, such as pets and livestock.

the roots of aging

But what is aging, anyway? We all know it when we see it, but it's very hard to tease aging itself from the various diseases that accompany it. Michael Straight, a former editor of *The New Republic*, was asked when he was 80 what it felt like to be an old man. Straight replied, "I feel like a young man who's got something very bad wrong with him." In the language of gerontology, there are no good biomarkers for aging.

Even today, many things besides aging kill people—primarily, diseases and accidents. Then again, as we age we become increasingly vulnerable to the shocks and diseases that can kill us. In modern societies, disease plays a relatively small role in killing off younger people: If all the causes of death in the United States before age 50 were eliminated, average life expectancy would increase by only three and a half years. Meanwhile, Jay Olshansky has estimated that if all deaths from heart disease, cancer, and stroke were eliminated entirely the average life expectancy in the United States would increase to between 90 and 95. In the 19th century the insurance actuary Benjamin Gompertz pointed out that as people age, their chance of dying doubles every eight years or so. Thus, a 35-year-old is twice as likely to die at age 43 and four times as likely to die at age 51.

Is there an upper limit on human lifespans? Researchers reported in the April 29 *Science* that life expectancy has been increasing at about two and a half years per decade for the last 160 years. Demographers like Olshansky, they note, have been consistently wrong in predicting an upper limit to human life expectancy. In 1928, for example, the demographer Louis Dublin predicted that average life expectancy in the United States would never exceed 64.75 years. Today it is 76.7. At this rate of improvement, the authors of the *Science* report conclude, "record [average] life expectancy will reach about 100 in six decades." Still, as far as we know, the maximum human life span is the 122 years achieved by the cigarette-smoking French woman Jeanne Calment, who died in 1997.

Aging is accompanied by lots of simultaneous changes—graying hair, thinning bones, weakening muscles, failing immune systems. So far, researchers have not figured out whether those changes are aging itself or just symptoms of some more general process of decay.

Scientists are now in wide agreement that aging can largely be traced to the damage done to our cells by free radicals. A free radical is an atom or molecule that has at least one unpaired electron, causing it to be very chemically reactive. Lots of free radicals are created in cells as they produce energy. Free radicals disrupt a cell's DNA and protein synthesis and repair mechanisms. The Berkeley biologist Bruce Ames has calculated that oxygen radicals damage the DNA inside each cell some 10,000 times per day.

Each time a cell replicates, it copies all of the billions of DNA base pairs that comprise its genome. Cells are very crowded and chemically energetic places, so miscopying sometimes occurs. Fortunately, evolution has devised molecular machines that can rapidly read and then correct most of the copying mistakes, keeping the cells to a fantastically accurate rate of one error per billion nucleotide replications. However, each time the repair mechanisms miss a mistake, it becomes encoded in the DNA—and the next time duplication occurs, the miscopied DNA is treated as correct. As a result, errors accumulate over time. Miscopied genes lead to the production of distorted proteins, which are inefficient when they work at all. The accumulated molecular damage causes a 0.5 percent decline per year in overall physical capacity after age 30.

Increasingly, researchers are focusing their attention on the damage free radicals cause in the tiny energy-producing organelles called mitochondria. Like any other power plant, mitochondria produce not just energy but also wastes and pollution, including copious free radicals. As good as mitochondria are at mopping these up, some of them nevertheless get loose and damage the tiny DNA genomes at the heart of the mitochondria. Free radicals create a cellular death spiral by mutating mitochondrial DNA, which in turn degrades their energy production and increases the production of free radicals, refueling the cycle.

Other research points to another process linking free radicals to aging. Apparently, we are literally cooking

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ourselves to death. In cooking, sugars and proteins stick together to form tasty brown crusts like those on French toast. Our own metabolisms are a form of low-temperature cooking that causes sticky sugars such as glucose to cross-link with proteins to create advanced glycation end products (AGEs). AGEs are biological junk that accumulates in cells, interfering with their functions over time. For example, AGEs reduce the elasticity and flexibility of the collagen in our ligaments. They are also linked to diabetes and to cardiovascular disease.

In a related process, our cells' recycling centers, called lysosomes, become clogged with cross-linked proteins and other cellular rubbish. This cellular gunk is called lipofuscin. Lipofuscin-filled lysosomes slowly crowd and hinder other cellular functions.

Another process involving free radicals is inflammation. Inflammation occurs when our immune system cells drench invaders such as bacteria and viruses with free radicals to rip them apart. The problem is that sometimes the inflammatory attacks don't ratchet down when the threat is gone, and our immune cells keep pumping out free radicals. Chronic inflammation has been linked to many diseases associated with aging, including arthritis, atherosclerosis, diabetes, Alzheimer's, and cancer.

The free radical theory of aging is backed by more than seven decades of research on calorie restriction. In 1935 Clive McCay, a professor of nutrition at Cornell, noted that if laboratory rats are fed only about two-thirds of the food they would freely choose to eat, their life spans increase by 40 percent to 50 percent. This result has been confirmed many times since then. Researchers think that semi-starvation may make metabolic processes more efficient, producing fewer free radicals and also perhaps boosting cells' DNA repair systems, since the hungry organism may have to live longer in order to reproduce.

Besides free radicals and telomere shortening, researchers have long noted that as our bodies age the levels of several key hormones begin to decline—testosterone for men, estrogen in women, DHEA and growth hormone for everyone. Boosting the levels of these hormones has become the stock in trade for the growing business of longevity clinics.

immortality when?

So what are your chances of living forever? First the bad news. As U.C.-San Francisco's Leonard Hayflick recently told *The Washington Post*, "There is no intervention that has been proven to slow, stop, or reverse aging. Period."

Now the good news: Despite that, researchers are making a lot of progress.

Probably the most promising immediate thing you can do to increase your chances of seeing your great-grandchildren is to stop eating so much. Calorie restriction is the only known technique for increasing the life spans of many different organisms. The foremost advocate of this approach is probably the UCLA biologist Roy Walford, whose Web site offers menus for those who want to pursue longer life by dieting themselves nearly to death. Calorie restriction may not make your life longer, but it will certainly make it feel that way.

Barbara Hansen, a diabetes researcher at the University of Maryland, has spent 20 years investigating the effects of calorie restriction on rhesus monkeys. The experiment has not run long enough to determine if the ultimate life spans of the calorie-restricted monkeys will be increased. But on several related issues, her findings are unequivocal: When she compares old calorie-restricted monkeys to old monkeys that eat what they want, the calorie-restricted ones do not have heart disease, diabetes, or hypertension, and their cholesterol is lower. They're healthier.

There is no question that maintaining a reasonable weight prevents the onset of many illnesses associated with aging. But what if you find the notion of living without foie gras and pepperoni pizza unbearable? Is there hope for you?

There may be. Hansen hopes that by starving monkeys she can pave the way to a pill providing all the health benefits of calorie restriction while allowing you to inhale all the ice cream and beer you want. She has identified a compound that affects the PPAR-Delta receptor, which improves the body's response to insulin and glucose, mimicking the benefits of calorie restriction. It is now in early testing by Glaxo.

Calorie restriction research could also help us discover aging's elusive biomarkers. With the sequencing of the human genome and the advent of chip gene technologies, researchers can monitor the simultaneous actions of thousands of genes in tissues. The aim is to characterize the differences between the gene activity in tissues

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from old people and the gene activity in tissues from young people. Already, chip tests have found that the gene expression of tissues taken from old, calorie-restricted mice is similar to that found in young mice.

Among other benefits, finding such biomarkers would be a major advance in testing interventions for their effectiveness in slowing aging. Right now, the only way to see whether a proposed longevity treatment works is to wait for people to die.

cloning for longevity

If calorie restriction isn't your cup of tea, regenerative medicine is the next best bet for near-term success. The most promising path to regenerative medicine is the controversial process known as therapeutic cloning. If you need a new heart or liver, it might be possible to grow a new perfect transplant using your own cells. The process would involve transferring the nucleus of one of your skin cells to an enucleated human egg, which would then grow in a petri dish to the blastocyst stage. Stem cells would be harvested from the blastocyst and transformed into the desired tissues for transplant.

Stem cells have been found in adult tissues, in umbilical cord blood from newborns, and in embryos. All have shown some promise. William Haseltine, the CEO of Human Genome Sciences, recently predicted in *The Washington Post* that it will one day be possible to "reseed the body with our own cells that are made more potent and younger, so we can repopulate the body." But stem cell transplants are at least 10 years away—or even longer, if Leon Kass and his allies succeed in banning therapeutic cloning. Since the chorus calling for a ban includes President Bush, the prospects for research in this area are not as bright as they ought to be.

Another problem: Regenerative medicine does not stop or slow aging. It just fixes the problems and diseases that *accompany* aging. In a sense, it's just a better form of conventional medicine. Continually trading in your old, worn-out organs for new ones is certainly better than the alternative, but it would be ever so much more pleasant if you could just stay young forever.

The true fountain of youth will involve stopping those pesky free radicals that are wrecking your DNA and cooking your tissues to death. The most popular anti-aging regimen, practiced by millions of Americans, is to pop anti-oxidant vitamin and mineral pills. There is no firm scientific evidence that gobbling down such supplements actually increases life spans. Simon Melov of the Buck Institute for Aging Research notes that the effects of anti-oxidant pills are fairly weak, since most of the nutrients don't get inside the cells where the free radical damage is occurring. Jay Olshansky dismisses megadose vitamin supplements as "a way to make expensive urine."

On the other hand, Olshansky admits that some people can benefit from vitamin supplements. Epidemiological studies show that vitamin E supplements might help 12 percent of the population. The problem is, each individual has no way of knowing now whether he or she is part of that 12 percent. Nevertheless, many of us cover our bets by taking supplements anyway.

The defining political conflict of the 21st century will be the battle over life and death. On one side stand the partisans of mortality, on the other the party of life.

A recent study conducted by Bruce Ames' team at Berkeley found that lethargic old rats are perked up by l-carnitine and alpha lipoic acid. Their mitochondrial function improves, they become more active, and their memories get better. A company called Juvenon, founded by Ames and others, is testing the supplements in people with the goal of finding an effective human dose.

Meanwhile, Thomas Perls of Harvard is hunting for longevity genes. Perls noticed a decade ago that people who live to be 100 are often in remarkably good shape. Today, he runs the New England Centenarian Project, whose participants must be 100 years old and have siblings who lived to be over 90. By looking at DNA taken from some 600 participants so far, Perls has found that a region on chromosome four appears to help its carriers become healthy geezers.

Perls and his colleagues have formed a company called Centagenetix to narrow the search for the longevity gene. Once it's identified, Centagenetix will try to produce a Methuselah pill that mimics the activity of the proteins made by the longevity gene.

The M.I.T. biologist Leonard Guarente recently showed that nematode worms with more than one copy of a gene called SIR2 live 50 percent longer than normal worms. This

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may explain why calorie restriction increases life span, because SIR2 slows down gene activity when a cell is being starved. Guarente and Cynthia Kenyon have already identified genes and enzymatic pathways that increase the life spans of invertebrate species. They believe that these same mechanisms will be found in people, giving them targets at which to aim anti-aging drugs. Guarente and Kenyon have created a company called Elixir, which will try to develop such pharmaceuticals.

Eurkarion, a privately held biotech start-up in Massachusetts, is working with the Buck Institute's Melov to test its novel small-molecule anti-oxidant compounds. Melov has genetically engineered mice that don't produce superoxide dismutase, the oxygen-scavenging enzyme that protects mitochondria from free radicals. Such mice typically die within a week after birth. They suffer from enlarged hearts, damaged livers, and a spongiform brain ailment that looks very much like mad cow disease. But when these mice are injected with compounds that mimic the effects of superoxide dismutase and catalase (a compound that transforms hydrogen peroxide into water), they live four times longer. Eukarion is currently testing one of its compounds as a topical application to heal skin damaged by radiation treatments. It plans to test further compounds as treatments for degenerative neurological diseases in human beings.

Without the sound of time's winged chariot rushing at our backs, some claim, humanity would become frivolous, frittering away eternity with meaningless pastimes.

As for the gunk built up in our cells, researchers are testing some compounds that break apart AGEs, enabling cells to get rid of them. In preliminary testing, a compound called Pimagedine has improved cardiac function in rats, dogs, and primates. It is also being tested for efficacy in treating kidney failure associated with diabetes. Another anti-AGEing compound, ATL-711, has shown some promise as a treatment to reverse age-related and diabetes-related cardiovascular diseases and restore function to the cardiovascular system.

runaway hormones

What about lengthening telomeres? Remember, our immortal germ cells activate the gene that produces the enzyme telomerase, which restores the ends of their telomeres whenever they divide. Cancer cells also stimulate production of the enzyme. The Geron Corporation is conducting research into how to use telomerase to fight cancer. The idea is that if you can turn off telomerase in the cancer cells they will stop dividing and commit cellular suicide, called apoptosis. Some researchers have suggested that it might be possible to make normal cells immortal by getting them to produce telomerase, which could prevent the shortening of their protective telomeres. It seems logical that if telomere shortening causes cells to become senescent, lengthening them should rejuvenate them and the tissues in which they reside. Still, according to Barbara Hansen, there is little evidence that telomere shortening causes senescence on the organism level.

Hormone replacement therapy is second only to vitamin supplements in popularity among those seeking the fountain of youth. The aim here is to restore the hormones that decline with age to their youthful levels. The most popular hormones involved are DHEA, human growth hormone, melatonin, testosterone, and estrogen.

The notion that hormones could restore youth has a long and disreputable history. In the late 19th century the noted French physiologist Charles Edouard Brown-Sequard injected himself and his patients with extracts from the testicles of young dogs and guinea pigs, then declared that the treatments had restored his physical vigor and mental acuity. In the early 20th century the American John Brinkley claimed to restore men's vitality by transplanting goat testicles into them. He performed over 16,000 transplants before he died, though his medical license was revoked after some of his customers claimed a new compulsion "to chew sprouts."

More recently, hormone replacement therapies took off after the endocrinologist Daniel Rudman reported in 1990 that a dozen older men he had injected with growth hormone three times a week had more muscle mass, less fat, tauter skin, and lower cholesterol levels. Subsequent studies have shown that these quality-of-life benefits are real but slight. In fact, regular exercise is more effective in obtaining most of the gains achieved from injecting growth hormone.

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Furthermore, there is no evidence that growth hormone treatments increase longevity. Indeed, mice that overproduce growth hormone die sooner than normal mice, and fruit flies that underproduce growth hormone live longer than normal flies. In addition, some researchers suspect that supplementary growth hormone may increase the risk of cancer.

DHEA is the most abundant steroid in the body, yet nobody knows much about what it does. It is clear that DHEA levels peak in a person's early 20s and decline as he or she ages. Interestingly, feeding DHEA to mice, which produce very small quantities of this hormone naturally, increases their life spans by 40 percent. In *Why We Age*, Steve Austad notes that in the few scientifically valid human trials involving DHEA supplementation, the hormone produced "some improvement in immune response, muscle strength, and sleep patterns among the elderly." Still, not much is known about the effects of the long-term use of this hormone, so most researchers advise caution.

Much has also been made of the so-called "melatonin miracle." But rigorous testing of melatonin's effects on human beings has not been done yet. Mice that are fed melatonin live 5 percent longer but are at a greater risk of developing tumors. Again, most researchers advise caution.

So far, estrogen replacement therapy is the most effective hormone treatment. Epidemiological evidence suggests that supplemental estrogen after menopause helps prevent osteoporosis. But recent research has undercut claims that estrogen therapy reduces the risk of heart disease and dementia. Using estrogen does slightly increase the risk of ovarian cancer and promotes the growth of existing breast tumors. Estrogen may delay the onset of certain diseases that become more common as women grow older, but there is no evidence that it increases users' life spans.

Testosterone levels generally drop in men as they age. Research on testosterone has lagged behind estrogen research, perhaps because of the unsavory treatments of the past and perhaps because of steroid abuse among athletes. There are some indications that testosterone replacement can provide benefits to older men, including increasing muscle tone, overcoming erectile dysfunction, and improving their overall sense of well-being. On the other hand, it might promote the growth of any pre-existing prostate tumors. There are other unwelcome side effects, including increased hairiness and acne. And there is no evidence that testosterone supplementation will increase longevity.

the genetic imperative

Looking further down the road, once the genes that promote disease (Alzheimer's, diabetes, cardiovascular problems) and those that promote longevity are identified, it will become possible for parents to select favorable genes for their progeny. Already, more than 1,000 healthy children have been born after their parents used pre-implantation genetic diagnosis to select among eight-cell embryos to find the ones that were free of disease genes. In the future, parents might also select embryos that bear longevity-promoting genes and implant those. Further in the future, parents will be able to add genes that improve their progeny's immune systems, mental acuity, and athletic abilities by installing artificial chromosomes.

The Cambridge gerontologist Aubrey de Grey wants to genetically engineer mitochondrial genes into the nuclei of cells, where they would be better protected from the ravages of free radicals. He believes that once those genes are better protected they will not be so quickly mutated into the free radical death spiral. Once the vicious circle of mitochondrial mutations producing ever more free radicals is broken, longer life should result, he argues.

Even further in the future, another method to improve how human cells protect themselves from the ravages of free radicals might be possible. Some animals, such as birds, have more effective anti-oxidant protective mechanisms. Using them as a model, we might tweak our own genes. This could be the moral equivalent of replacing human anti-oxidant genes with similar but more effective genes from birds.

An even more visionary approach has been suggested by Robert Bradbury, whose startup Robiobotics is investigating the possibility of repairing whole genomes by using bacteria to ferry artificial chromosomes into human cells. The genetically engineered bacteria would infect billions of a patient's cells and deliver artificial chromosomes carrying a suite of hundreds of genes specifically aimed at repairing the damage done by free radicals. Some genes on the artificial chromosomes might be replacements for dam-

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aged genes; others would be designed to enhance cellular DNA repair. Skeptics point out that our immune systems would likely do in Robiobotics' designer bacteria, but Bradbury suggests that the problem might be dealt with by using a transitory immunosuppressive therapy that would give the genetically engineered bacteria an opportunity to reach their desired cellular targets.

nanomedical insurance

But this focus on biological interventions may be wrongheaded. After all, some argue, we don't fly because we sprouted wings, so neither will we live longer because we've fiddled with our genomes. Why not make machines that hunt down harmful disease organisms and repair damaged cells? That is the ambitious aim of nanomedicine.

Nanotechnology is the science and technology of building devices using single atoms and molecules. A nanometer is a billionth of a meter, a length that is just over the diameter of many atoms. Conceptually, nanotechnology and biotechnology are not all that distinct. In the words of Rita Colwell, the director of the National Science Foundation, "Life is nanotechnology that works."

Proponents of medical nanotechnology—such as Ralph Merkle, a former research scientist at Xerox's Palo Alto Research Center and now a fellow at the Texas nanotech company Zyvex—outline an ambitious vision. "Nanotechnology will let us build fleets of computer-controlled molecular tools much smaller than a human cell and with the accuracy and precision of drug molecules," Merkle declared in the Winter 1999 issue of the *Anti-Aging Medical News*. He added, "These machines could remove obstructions in the circulatory system, kill cancer cells or take over the function of subcellular organelles." Robert Freitas, author of the 1999 book *Nanomedicine*, foresees a day when oxygen-carrying red blood cells could be supplemented by artificial respirocytes made of carbon that would be 200 times more efficient.

If that isn't wild enough, Freitas recently unveiled a scheme that would replace your entire circulatory system with a sapphire vasculoid weighing two kilograms. No heart, no blood—just a system of nanotech machines that would ferry oxygen, carbon dioxide, nutrients, and immune protective machines throughout your body, all encased in nearly unbreakable sapphire that would line your old-fashioned veins and arteries. Since 80 percent of what kills most people can be traced to the circulatory system—heart attacks, strokes, wounding, metastasizing cancer—such a vasculoid would dramatically increase one's life span. Freitas thinks the first models will be available in 40 years.

"With nanotechnology we could someday be rebuilding our own bodies, regenerating organs, slowing down aging," a bullish Samuel Stupp, professor of materials science and medicine at Northwestern University, predicted at a National Science Foundation conference earlier this year.

Pharmaceutical manufacturers are already building new drugs—atom by atom, essentially—to treat diseases. Merkle believes that it will be another 20 to 30 years before the visionary technologies he foresees will be available. In the medical arena, nanotechnology and biotechnology may well be destined to meld together.

Nanotechnology also plays a role in what some consider the second best alternative to living forever: cryonics. Cryonicists freeze people in liquid nitrogen with the idea that future technologies will be sufficiently advanced that the patients can be thawed out, revived, and cured of whatever ailments, including old age, afflicted them before they entered the deep freeze.

One problem facing cryonics enthusiasts is that no animal larger than a microscopic human embryo or a tiny tardigrade—an insect that measures only a couple hundred microns across—has yet been frozen and successfully revived. Freezing causes water in cells to expand, which disrupts them. But some researchers have developed a preservation technique called vitrification, essentially glassifying cells. This approach, it is claimed, causes far less disruption to cellular organization and destruction of cell walls. Scores of people have chosen to have either their full bodies or just their heads cryonically "suspended."

When it comes time to revive patients, the plan goes, nanotech machines will race through the patients' bodies, repairing the damage they have suffered from disease and freezing. Will it work? Who knows? Cryonicists put it this way: "The clinical trials are in progress. Come back in a century and we'll give you a reliable answer." Cryonicists divide the world into two groups, those who are experimenting with cryonics by being frozen vs. those who just die and are buried. Which would you rather be in, they ask: the control group or the experimental group?

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The defining political conflict of the 21st century will be the battle over life and death. On one side stand the partisans of mortality, who counsel humanity to quietly accept our morbid fate and go gentle into that good night. On the other is the party of life, who rage against the dying of the light and yearn to extend the enjoyment of healthy life to as many as possible for as long as possible.

The most moderate critics of longevity simply worry that immortality would cause massive overpopulation. Worry not, says demographer Olshansky. If everyone on the planet were made immortal tomorrow, while maintaining the current projected trends in human fertility, world population would rise to around 13 billion by 2100. That, he notes, is the same number that alarmists like Paul Ehrlich used to predict for the middle of this century. Olshansky thinks that 100 years will give human society plenty of time to adjust to longer, healthier lives.

death to radical mortalists!

Then there are the more radical mortalists, such as Fukuyama, Callahan, and Kass. Writing in the aforementioned issue of *First Things*, Leon Kass asserts that "to argue that human life would be better without death is, I submit, to argue that human life would be better being something other than human." Without the sound of time's winged chariot rushing at our backs, Kass claims, humanity would become frivolous, frittering away eternity with meaningless pastimes. Apparently, if we live longer, we'll just watch more *Baywatch* reruns and revisit Disney World.

For Kass, the sting of death makes for stronger friendships, greater loves, more ardent learning, and nobler deeds. But the fact of human mortality has also led people to commit all manner of villainy, cowardice, and crime. If one man nobly sacrifices his life to save his family and friends from invaders, it is because those invaders have themselves overcome their fear of death to seek glory, goods, and dominion. Gilgamesh wanted to avoid the oblivion of eternity, so he built a city, fought wars, and sought glory so that his name would ring down the ages. Meanwhile, the names of all those thousands crushed under his tyranny—those who labored to build the walls and temples of his city—are lost for all time. The certainty of death may cause us to aspire, but not necessarily to the fulfillment offered by the gentler virtues.

Kass also points to the "undesired consequences of medical success in sustaining life, as more and more people are kept alive by artificial means in greatly debilitated and degraded conditions." Here he is engaged in what might be called Struldbruggism, after an episode in *Gulliver's Travels*. Gulliver visits the land of the Luggnuggians, among whom are occasionally born immortals called Struldbruggs. This is no blessing, since the immortals still grow older, weaker, and sicker.

But the goal of research on aging is not to turn us into a race of miserable Struldbruggs. As Olshansky puts it, "We don't want to make ourselves older longer, we want to make ourselves younger longer." Characteristically, Kass ignores the real goals of anti-aging research, misleading readers with a gruesome scenario in hopes of frightening them into embracing his pro-death dogma.

Future generations will look back at the beginning of the 21st century and marvel that intelligent people actually tried to stop biomedical progress just to protect their limited vision of human nature.

Future generations will look back at the beginning of the 21st century and marvel that intelligent people actually tried to stop biomedical progress just to protect their cramped and limited vision of human nature. But the chances that the Kassians will actually hold back longevity seem small. "It's too alluring," says Olshansky. "It's been the dream of humanity forever. How can we not?" Austad agrees. "People want this so badly, it's going to happen no matter what the government does," he predicts. "The government can help or it can hinder this research, but it will happen."

"A dramatic increase in lifespan is inevitable," Aubrey de Grey said in the British *Sunday Times* two years ago. "We understand aging at the molecular level sufficiently to not just imagine interventions to retard aging, but enough that we can describe them. It's an engineering project now, not a scientific one. We just don't know how long it will take."

To which I say: Hurry up! The 22nd century looks too interesting to miss. ▮

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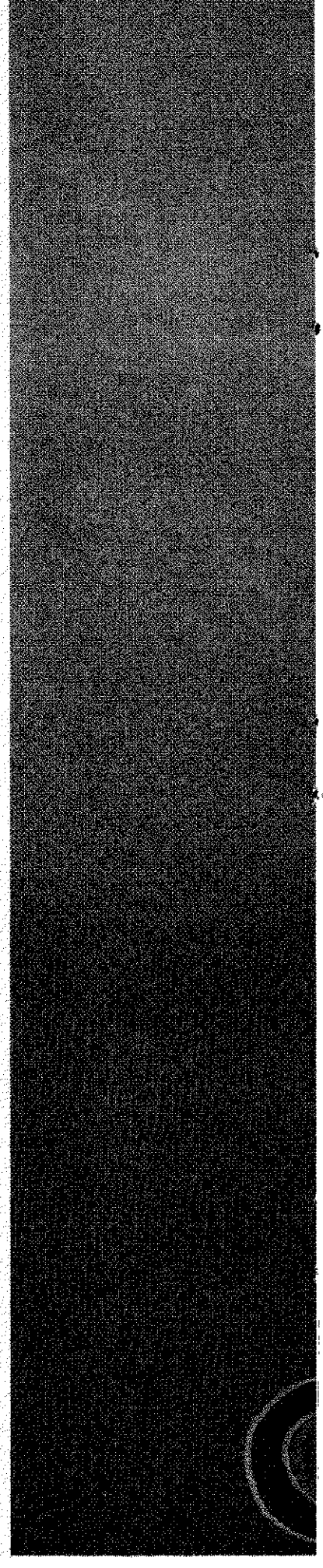
Needing the Unnecessary

The democratization of luxury

James B. Twitchell

IF YOU WANT to understand material culture at the beginning of the 21st century, you must understand the overwhelming importance of unnecessary material. If you are looking for the one unambiguous result of modern capitalism, of the industrial revolution, and of marketing, here it is. In the way we live now, you are not what you make. You are what you consume. And most of what you consume is totally unnecessary yet remarkably well made.

The most interesting of those superfluous objects belong in a socially constructed and ever-shifting class called *luxury*. Consuming those objects, objects as rich in meaning as they are low in utility, causes lots of happiness and distress. As well they should. For one can make the argument that until all necessities are had by all members of a community, no one should have luxury. More complex still is that, since the 1980s, the bulk consumers of luxury have not been the wealthy but the middle class, your next-door neighbors and their kids. And this is happening not just in the West but in many parts of the world.



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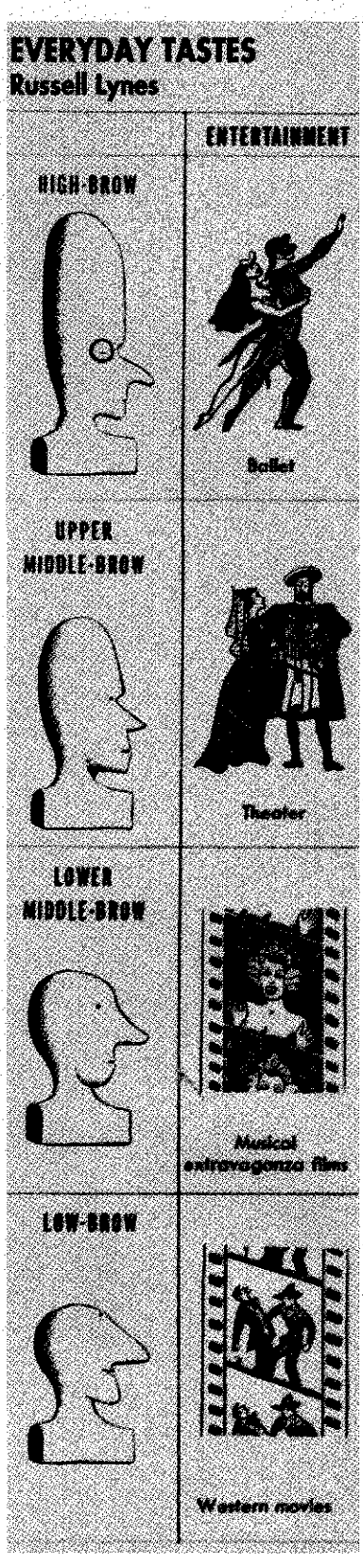

When I was growing up in the middle class of the 1950s, luxury objects were lightly tainted with shame. You had to be a little cautious if you drove a Cadillac, wore a Rolex, or lived in a house with more than two columns out front. The rich could drip with diamonds, but you should stay dry. Movie stars could drive convertibles; you should keep your top up. If you've got it, don't flaunt it. Remember, the people surrounding you had lived through the Depression, a time that forever lit the bright lines between have-to-have, don't-need-to-have, and have-in-order-to-show-off.

The best definition of this old-style off-limits luxury came to me from my dad. I was just a kid, and it was my first trip to a cafeteria: Morrison's Cafeteria in Pompano Beach, Florida, February 1955. When I got to the desserts, I removed the main course from my tray and loaded up on cake and JELL-O. My dad told me to put all the desserts back but one. I said that wasn't fair. To me the whole idea of cafeteria was to have as much as you want of what you want. My dad said no, that was not the idea of cafeteria. The idea of cafeteria is that you can have just one of many choices.

Luxurification

Look around American culture, and you will see how wrong he was. Almost every set of consumables has a dessert at the top. And you can have as much of it as you can get on your tray or as much of it as your credit card will allow. This is true not just for expensive products like town cars and McMansions but for everyday objects. In bottled water, for instance, there is Evian, advertised as if it were a liquor. In coffee, there's Starbucks; in ice cream, Häagen-Dazs; in sneakers, Nike; in whiskey, Johnnie Walker Blue; in credit cards, American Express Centurian; in wine, Chateau Margaux; in cigars, Arturo Fuente Hemingway; and, well, you know the rest.

Name the category, no matter how mundane, and you'll find a premium or, better yet, a super-premium brand at the top. And having more than you can conceivably use of such objects is not met with opprobrium but with genial acceptance. This pattern persists regardless of class: The average number of branded sneakers for adolescent males? It's 4.8 pairs. And regardless of culture: A favorite consumer product in China? Chanel lipstick dispensers sans lipstick.

Basil Englis and Michael Solomon, professors of marketing in the School of Business at Rutgers University, have studied the effects of brand consumption, particularly how college students cluster around top-brand knowledge. They drew guinea pigs from undergraduate business majors at their institution and presented them with 40 cards, each containing a description of a different cluster of consumers.

The professors sifted the clusters to make four groups—lifestyles, if you will—representative of undergraduate society. They were Young Suburbia, Money & Brains, Smalltown Downtown, and Middle America. Then Englis and Solomon gathered images of objects from four product categories (automobiles, magazines/newspapers, toiletries, and alcoholic beverages) that fit into each group. The students were asked to put the various images together into coherent groups; they were also to state their current proximity to, or desire to be part of, each group in the future.

As might be expected, the Money & Brains cluster was the most popular aspirational niche. What Englis and Solomon did not expect was how specific and knowledgeable the students were about the possessions that they did not have but knew that members of that cluster needed.

When asked what brand of automobile they would drive, here's what they said: BMWs (53.6 percent), Mercedes (50.7), Cadillacs (30.4), Vol-

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vos (23.2), Porsches (21.7), Acuras (17.4), and Jaguars (15.9). They knew what they wanted to read: travel magazines (21.7 percent), *Vogue* (21.7), *BusinessWeek* (20.3), *Fortune* (17.9), and GQ (15.9). Again, this is not what they did read but what they took to be the reading material of the desired group. What they were actually reading (or so they said) were *Forbes*, *Barron's*, *The New Yorker*, and *Gourmet*. No mention of *Rolling Stone*, *Playboy*, *Spin*, or *Maxim* for this group. They certainly knew what to drink: Heineken beer (33.3 percent), expensive wines (26.1), scotch (18.8), champagne (17.4), and Beck's beer (15). They also knew what to sprinkle on their bodies: Polo (27.5 percent), Obsession (15.9), and Drakkar (15.9).

What the professors found was not just that birds of a feather had started to flock together, but that these young birds already knew what flock to shy away from. They were not ashamed of smoking, for instance, but of smoking the wrong brand. Their prime avoidance group corresponded to the Smalltown Downtown cluster.

The Money & Brainers knew a lot about the Smalltowners. They knew about favored pickup trucks, Chevys (23.2 percent) and Fords (18.8). They knew that this group reads *People* (30.4), *Sports Illustrated* (26.1), *TV Guide* (24.6), *Wrestling* (21.7), fishing magazines (20.3), and *The National Enquirer* (18.8). They assumed that Smalltowners preferred Budweiser (59.4), followed by Miller (24.6) and Coors (18.8). Essentially, the Money & Brainers had learned not just what to buy but what to avoid (or at least what to say to avoid).

Such shared knowledge is the basis of culture. This insight was, after all, the rationale behind a liberal arts education. John Henry Newman and Matthew Arnold argued for state-supported education in the 19th century precisely because cultural literacy meant social cohesion. No one argued that it was important to know algebraic functions or Latin etymologies or what constitutes a sonnet because such knowledge allows us to solve important social problems. We learn such matters because it is the basis of how to speak to each other, how we develop a bond of shared history and commonality. This is the secular religion of the liberal arts and sciences, what French sociologist Pierre Bourdieu calls cultural capital.

In our postmodern world we have, it seems, exchanged knowledge of history and science (a knowledge of production) for knowledge of products and how such products interlock to form coherent social patterns (a knowledge of consumption). Buy this and don't buy that has replaced make/learn this, don't make/learn that. After all, in the way we live now, everyone is a consumer, but not everyone is a worker. As Marcel Duchamp, sly observer of the changing scene, said, "Living is more a question of what one spends than what one makes." Thus a new denomination of cultural capital.

A shift in currency has clear ramifications. A producer culture focuses on the independent self of the worker: self-help, self-discipline, self-respect, self-control, self-reliance, self-interest. Responsibility is situated in the individual: Can she get work? A consumer culture, however, focuses on community: Fit in, don't stand out. Be cool. The standard of judgment becomes the ability to interact effectively with others, to win their affection and admiration—to merge with others of the same lifestyle. Can he consume the right brands?

In our postmodern world we have, it seems, exchanged knowledge of history and science for knowledge of products and how such products interlock to form coherent social patterns.

Inventing Pashmina

The powerful desire to associate with recognized objects of little intrinsic but high positional value is at the heart of Luxe Americana. It is what Martha Stewart is doing down at Kmart introducing her Silver Label goods. Of her many endorsed products, one is of special interest: her line of matelassé coverlets and shams—really, just bedcovers. They are available in yellow, white, and multicolored stripes and come in silk, linen, crushed velvet, Egyptian cotton, cotton sateens, and even cashmere. Remember three things: This is Kmart, a bedspread is something you buy not to show off to others but to please yourself, and cashmere is supposed to be something really special.

So here is the Cashmere Company hawking something it calls pashmina. The word is a linguistic trick. Cashmere is goat hair from Kashmir, an area between India and Pakistan, whereas pashmina is simply the Persian word for the same goat in the

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same area. In other words, it's the same stuff. But that's not what is interesting. It is that pashmina has been introduced precisely because places like Kmart have too much cashmere. So what we have is a top-of-the-line product topped because too many people were in the checkout line.

But then again, what of Michael Graves–designed toasters for Target, Ralph Lauren house paint, and Ernest Hemingway and Cole Porter brand furniture at Ethan Allen Furniture stores? This tectonic shift in consumption is why the designer Lynette Jennings, host of the Discovery Channel's *Lynette Jennings Design* and *HouseSmart*, is peddling doorknobs at Home Depot.

The rich have only two genuine luxury items left: time and philanthropy. The rest of us are having a go at all their stuff, albeit for a knockoff to be held only a short time. I can't own a limo, but I can rent one.

If you want to see how varied the consumers of the new luxuries are, just take a tour of your local Costco or Sam's Club parking lot. Observe the shiny new imported sedans and SUVs alongside aging subcompacts. Or spend an hour watching what is being sold on the Home Shopping Network, a televised flea market for impulse buyers. The system now has 23,000 incoming phone lines capable of handling up to 20,000 calls a minute. Home Shopping no longer sells just cubic zirconium rings. Not when the real money is in designer handbags.

In the older culture, my dad's culture, the limited production capacity of the economy sharply reduced aspirations to material comfort. In the modern world, my culture, much greater material satisfactions lie within the reach of even those of modest means. Thus a producer culture becomes a consumer culture, a hoarding culture becomes a surplus culture, a work culture becomes a therapeutic culture. Because what you buy becomes more important than what you make, luxury is not a goal; for many it is a necessity.

Luxury Creep

Michael J. Apter, a psychologist at Northwestern University, has studied why we do things and, by extension, why we buy things. In *The Experience of Motivation: The Theory of Psychological Reversals*, he divides general orientations into telic (arousal reducing) and paratelic (arousal seeking). A telic motivation starts with isolating a need and then feeling anxious about resolving it. The experience ends, if successful, with a feeling of relaxation. If the ending does not satisfy the need (postdecision dissonance), the anxiety continues, and the process is repeated until it abates. A paratelic tendency, however, begins in a state of well-being that edges over into boredom. The person seeks excitement and judges the act by the experience. Does it resolve boredom? Not to put too fine a point on it, but consuming luxury for many Americans has gone from telic to paratelic, from product to process, from problem resolution to emotion seeking, from object to experience.

The one characteristic of modern luxe is its profound oxymoronic nature: If everyone can have it, is it still luxury? If you want to see the difference that a generation makes in downshifting luxury, just look at how top-of-the-line domestic automobiles are advertised. Compare Cadillac in the early part of the 20th century with Lincoln at the end of the century, and you'll get the idea.

Cadillac's pitch in a 1915 advertisement was that luxury comes at a price and that price includes humility, even mild mortification. You buy this car and you take responsibility for sharing excellence. The true price of luxury is not cheap. In fact, you will be reviled, assailed, and envied. This car is a laurel. Be careful how you wear it. The real headline is not just "The Penalty of Leadership," it is "The Penalty of Luxury."

By contrast, Lincoln's current pitch is pure indulgence: Buy this object and let your lust for comfort run wild. Lincoln is "what a luxury object should be." And after all you've been through, you deserve it. If not to own, then to lease.

Needless to say, as the 20th century faded into oblivion, Cadillac, which had a history of "owning" the luxury category, lost its vaunted place as the best-selling domestic luxury car to Lincoln. The Lincoln division of the Ford Motor Car Company has a single-word advertising motto: "Luxury."

Perhaps the best example of what I call luxury creep, in which a down-market product comes uptown solely on the basis of advertising, is the Buick Century. Buick has had a history of being a car for strivers who have not quite made it.

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Just look back on Buick advertising in the '60s, and you can see the company's typical reticence. In 1965 Buick advertising carried the tag line, "Wouldn't you really rather have a Buick?," which survived through the 1980s. In 1980 the company added a second theme: "The great American road belongs to Buick." Then in 1986 the McCann-Erickson ad agency positioned Buicks as "premium American motorcars."

Now Buick does have a luxury car, the Park Avenue. But the Century is an underling, now positioned as "a luxury car for everyone." Never mind that the tag line is an oxymoron. The problem is more fundamental. This car is just a standard Buick, which is just a jazzed-up Chevy, which is just a dumbed-down Cadillac, which is just an Oldsmobile, which is just like tons of Fords and Chryslers, as well as most Japanese midrange cars. The only luxury about it is the pretension of saying this is luxurious.

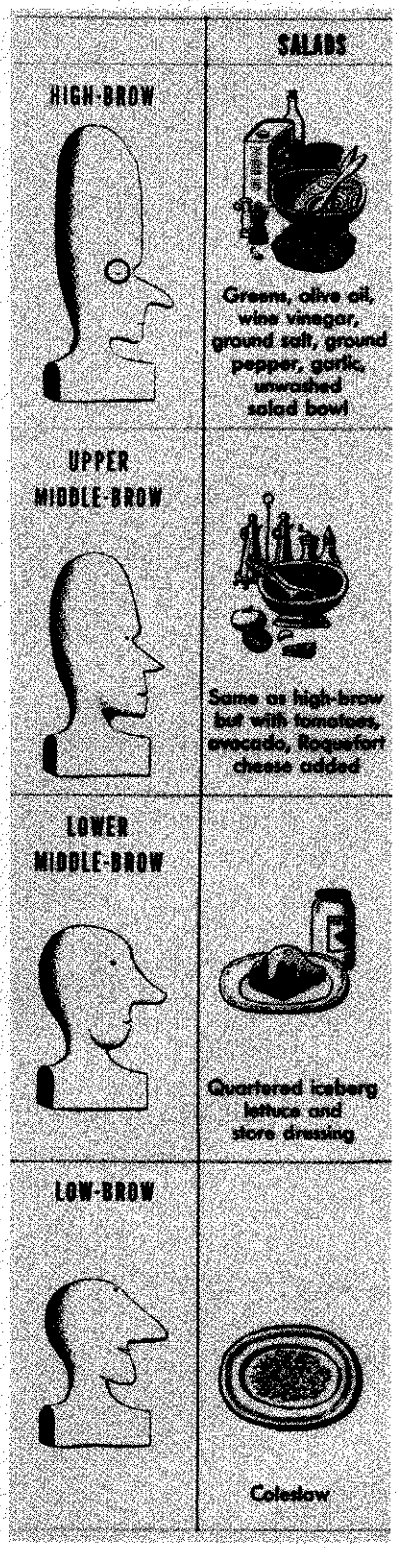
Punk Luxe?

In the last few years I have spent hours flipping through a new genre of magazine—*The Robb Report, Millionaire, Indulgence, Flaunt, Luxe, Icon, Self: The Best of Everything, Ornament: The Art of Personal Adornment*—as well as standard glossy pulp from Condé Nast like *GQ, Vogue, Vanity Fair,* and, most recently, *Lucky*. I have trolled Rodeo Drive, Worth Avenue, and upper Madison Avenue and traveled to Las Vegas, where I stood agog for hours in the Bellagio and Venetian hotels.

I admit from the start that you could argue that this is not real luxury but a kind of ersatz variety, punk luxe, and maybe you would be correct. My father would have argued that real luxury is characterized not by shine but by patina, that its allure comes from inborn aesthetics, not from glitzy advertising, that it is passed from generation to generation and cannot be bought at the mall, and, most of all, that its consumption is private, not conspicuous. His words for modern luxury would have included *gauche, vulgar, nouveau, tasteless,* and, most interestingly, *offensive.*

In fact, maybe the rich have only two genuine luxury items left: time and philanthropy. The rest of us are having a go at all their stuff, albeit for a knockoff to be held only a short time. I can't afford a casita on Bermuda, but my timeshare can get it for me at least for a week. I can't own a limo, but I can rent one. If I can't fly on the Concorde, I can upgrade to first class with the miles I "earn" by using my American Express card. I can lease a Lexus.

In a sense luxury objects don't exist anymore as they used to because "real" luxury used to be for the "happy few," and in the world of the jubilant Dow there is no more "happy few." The world that we live in, as John Seabrook recently argued in *Nobrow: The Marketing of Culture and the Culture of Marketing,* and as David Brooks explored in *Bobos in Paradise: The New Upper Class and How They Got There,* no longer easily fits into intellectual classes. It now fits into consumption communities. So, for instance, we don't talk about high class, upper middle class, and middle class. Instead we talk about boomers, yuppies, Generation X, echo-boomers, nobrows, bobos (short for bourgeois bohemians), and the rest, who show what they are buying for themselves, not what they do for a living. And that's why each of these groups has its own luxury markers—positional goods, in marketing jargon—to be bought, not made.


SALADS
HIGH-BROW
Greens, olive oil, wine vinegar, ground salt, ground pepper, garlic, unwashed salad bowl
UPPER MIDDLE-BROW
Same as high-brow but with tomatoes, avocado, Roquefort cheese added
LOWER MIDDLE-BROW
Quartered iceberg lettuce and store dressing
LOW-BROW
Coleslaw

High Brow to Nobrow

In a way, the new luxury is the ineluctable result of a market economy and a democratic political system. As journalist Thomas Beer wrote, "Money does not rule democracy. Money is democracy." Back in the late 1940s Russell Lynes, editor of *Harper's,* concocted a taxonomy of taste: high-brow, upper middle-brow, lower middle-brow, and low-brow. His system, as gleefully celebrated in the April 11, 1949, issue of

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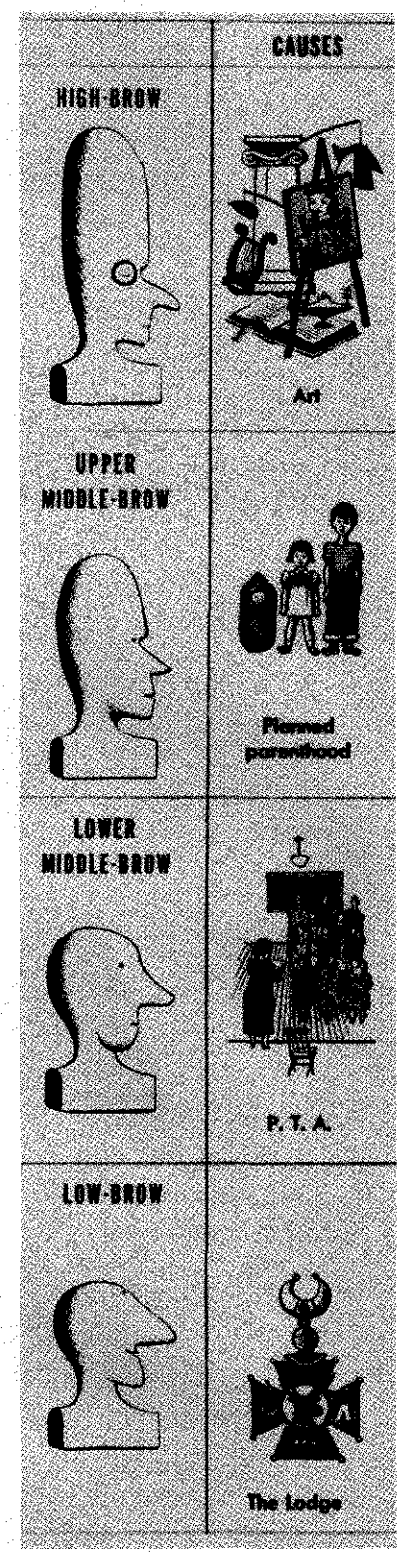
Life magazine, was scandalous when published, the topic of much cocktail party concern.

Lynes knew even then that Americans were no longer divided by "wealth, birth, or political eminence" but by consumption. These material distinctions were further explored in the 1980s in Paul Fussell's *Class: A Guide Through the American Status System*. Tongue almost in cheek, Fussell even proposed a new class, what he called "category X people," to be based not on material consumption but on a shared taste for the better life. Fussell got the phenomenon of the "massification" of the upper class correct, and he certainly understood how the democratizing of luxury was a mixed blessing, but he missed the materiality of this confluence. Instead of superfluous stuff being pushed aside, it became even more central. You had to buy your way out, one Volvo, one glass of merlot, one bow tie, one Sub-Zero refrigerator, one granite countertop at a time.



From time to time in Western history there is vociferous antipathy toward high-end consumption. From Plato to the early Christians to the Renaissance, luxury was thought to effeminize and weaken. But this was hardly a pressing problem, because just getting to the necessities of life was a full-time job for most.

With increasing affluence this view shifted. Luxury became dangerous not because of debasement but because it was a sign of overreaching, of getting out of place. An interesting transformation shows how fluid this category can be. In the Renaissance, luxury objects became those things thought worthy of being painted. Such objects were called *objets d'art*. Now, of course, the luxury object is the painting itself. But you can see that even before the industrial revolution there was a growing desire to show stuff off, to use the material world as marker of social dominance, to strut, to flaunt.

By the 18th century, social critics like Bernard Mandeville and economists like Adam Smith were beginning to suggest that, for improving the weal of humanity, the promise of consuming luxury might be a better carrot than the stick of shame. Yet there was still deep resentment for consuming out of your class, beyond your means.

This suspicion about consuming beyond your class continued well into the 19th century. In fact, ancient sumptuary laws, explaining exactly what objects were forbidden by church and state, were read from the Anglican pulpit until the 1860s. Reading these laws took two hours of church time to complete, and the laws kept people in their places, if only to have to listen to them.

Clerics, clearly supported by the aristocracy, were not alone in stiff-arming luxury. With the onset of industrial surpluses, secular pundits like Henry David Thoreau railed against what they took to be the excesses of mass production. "Most of the luxuries, and many of the so-called comforts, of life are not only not indispensable, but positive hindrances to the elevation of mankind," he pointed out in *Walden*.

By the *fin de siècle* this view of high-end consumption had so exploded that Thorstein Veblen unloosed the first modern sustained attack on luxury in his thoroughly entertaining *Theory of the Leisure Class* (1899). Coining all manner of nifty concepts like conspicuous consumption, invidious comparison, bandwagon effect, symbolic pantomime, vicarious leisure, and parodic display, Veblen had at the excesses of robber-baron shopping.

The Leisure Classic

In fact, one might say that Veblen enjoyed it rather too much and succeeded only too well. When he formulated his theory of the leisure class at the turn of the century, ostentation in dress was at its full plumage, not least because

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new money was desperate to prove that it had made it to high society. Veblen's argument was so simple that it cut like Occam's razor. It has proved so powerful that it has achieved the status of unquestioned truism.

Here is Veblen's argument: As wealth spreads, what drives consumers' behavior is increasingly neither subsistence nor comfort but the attainment of "the esteem and envy of fellow men." Because male wage earners are too circumspect to indulge themselves, they deposit consumption on surrogates, on loved ones. Vicarious ostentation—the way that plainly dressed Victorian men encouraged their wives and daughters to wear complicated trappings of wealth—is how this unfolds. Ditto their servants, horses, and even house pets.

In retrospect, Veblen was too successful, too neat, too sharp. Veblen thought that the purpose of acquisition was public consumption of esteem, status anxiety resolved by material display. Not much more. Wealth, he argued, confers honor; it suggests prowess and achievement. But wealth would have no social meaning were it simply consumed or possessed. "In order to gain and to hold the esteem of men," he wrote, "it is not sufficient merely to possess wealth or power. The wealth or power must be put in evidence, for esteem is awarded only on evidence."

Thus the absolute centrality of conspicuous consumption. In what Veblen called "barbarian culture," trophies such as property or slaves were signs of successful aggression. In modern societies luxury is a sign of status and class. It's what we have for harems. But only certain sorts of goods work this magic. There is no rational system. The only constant is that consumers seek the luxurious object for two reasons: to show that they are members of the classes above and to distinguish themselves from those below. Veblen calls the first motive "pecuniary emulation"; the second, "invidious comparison."

From this comes the economic irrationality of the Veblen effect, namely, that the value of a luxury object is in direct proportion to its cost. Raise the price of certain luxe objects and you increase their value. The Veblen effect is why a T-shirt sold at Sears costs less than the same T-shirt at the Gap, which costs less than the same T-shirt at Hugo Boss, and so forth. Could you sell Evian water if it were priced below a generic? What about Ben & Jerry's ice cream? *The Robb Report*? A Lexus? An Ivy League education? It is not enough for me to know what I paid for opuluxe. *You* have to know.

Today these products, which are no more (and maybe less) useful than their functional equivalents, are sometimes called "positional goods," goods that are valued not despite their expense but because of it. Indeed, Veblen argued that since the reasons for buying such goods are "pecuniary emulation" and "invidious comparison," their utility rises as their prices go up. With insights like this, Veblen proved himself to be too strong a critic to dismiss. You don't need to have read a word he wrote to know him. He set the tone of modern criticism.

Religious fanatics invariably rank highest on happiness scales, irrespective of culture or religion. Let's give happiness a rest. Consumption of the new luxury is about far more interesting sensations.

Economic Moralism

The second modern attack on luxury came in the 1950s with John Kenneth Galbraith's *The Affluent Society* and, to a lesser degree, the popularizing work of Vance Packard in *The Hidden Persuaders*, *The Status Seekers*, and *The Pyramid Climbers*. Veblenism is all over these books. Galbraith had read Veblen, if not wisely, then too well. In fact, he had edited *Theory of the Leisure Class* with all kinds of approving nods and winks. Packard and his snappy titles went along for the ride. To these critics high-end consumption is against our "better nature"; we are duped into consuming by advertisers; consumers are dolts who should be doing other things; luxury is consumption run amok.

The usual suspects for Galbraith had changed from the captains of industry to the Joneses across the street. Keeping up with them was every bit as dangerous as it had been for a Carnegie to keep up with a Vanderbilt, a Morgan with a Gould. Perhaps even more dangerous because these Joneses now are so numerous. And, as opposed to the robber barons who were outfitting family members, this new solipsistic breed of showoff was outfitting himself.

Veblen's descendants are still at it. Following in the footsteps of Galbraith have been two moralists passing as economists: Juliet Schor, a professor now at Boston College, who has published *The Overspent American: Why We*

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Want What We Don't Need, and Robert Frank, a professor at Cornell, who contributed *Luxury Fever: Why Money Fails to Satisfy in an Era of Excess*. Just read the subtitles.

The modern attack usually centers around a specific object as an exemplum. While Galbraith disliked Cadillac tail fins, Schor disdains granite countertops in the kitchen, and Frank holds up expensive watches as symptomatic of bad habits. On the surface they have such good points: How do those fins help the car move, are those stone countertops better than Formica, does a Lucian Picard keep better time than a Timex?

But here's the problem. The 1958 Cadillac has been featured in the Museum of Modern Art's retrospective show celebrating industrial design as art, and if you now want to buy one in mint condition, you'll pay about 20 times the purchase price. The granite countertop really makes more sense as a cutting surface than as a slab to lay down over the dead body of Uncle Louie, and—who knows?—it might even be passed from generation to generation, while the sensible Formica is carted out to the dump. And had Frank invested in Lucian Picard watches at the beginning of the bull market, he would have made more on his watch investment than on the S&P 500. Drats! That this stuff could have increased in value tells us how slippery these slopes can be.

Materialism does not crowd out spiritualism; spiritualism is more likely a substitute when objects are scarce. When we have few things, we make the next world luxurious. When we have plenty, we enchant the objects around us.

No matter. Critics of consumption love to point out that people with these things are no happier than people without them. Ergo, why buy extra stuff? But people who can't buy unnecessary opuluxe are definitely unhappier for not being let into the cycle; buying this notational stuff and having such stuff are different experiences; consumers move in definite stages, from adolescence, where consumption is central, to middle age, where it ceases to be so important, to old age, where having things is positively a hindrance. Religious fanatics invariably rank highest on happiness scales, irrespective of culture or religion. Let's give happiness a rest. Consumption of the new luxury is about far more interesting sensations.

Whereas Veblen contended that male aggression caused the crazed consumption of deluxe items at the end of his century, these modern critics are more *au courant* in putting forth their etiology. They medicalize consumption, in large part because the bulk consumers of luxe are now young women. The diagnosis, although they would never use this precise term, is addiction. We are addicted to luxury. That's what causes the fever. That's why we yearn for what we don't want. Diagnosis from the National Public Radio crowd: not just Sudden Wealth Syndrome but the dreaded "affluenza."

Over the Top

I must say that I found most of the luxury objects that I've looked at, from Patek Philippe watches to Porsche Turbos to the men's room of the Bellagio Hotel, to be a little over the top. But I am not so oblivious to the world around me that I can't appreciate how important the new luxury has become. And I can't overlook how high-end consumption promises to do exactly what critics of the stuff have always yearned for, namely, to bring us together, often traumatically. Yes, indeed, the transgenerational poor are excluded, as the bottom fifth of our population has not budged an inch in the luxe explosion. Yet more people than ever are entering the much-vaunted global village because of consumption, not despite it.

In fact, one could argue, as Dinesh D'Souza, Virginia Postrel, and W. Michael Cox and Richard Alm have recently done, that the aspiration of the poor to get at these unnecessary goods has done more than any social program to motivate some of the disenchanted to become enfranchised. While one may be distressed at seeing a dish antenna atop a ramshackle house or a Caddie out front, the yearning to have superfluous badges of affluence may promise a more lasting peace around the world than any religion or political system has ever delivered. I don't mean to overlook the complexities here.

This is not a universal phenomenon, as the al Qaeda have wickedly demonstrated. Some of the world's poor are most certainly not becoming better off in absolute or relative terms. I only want to say that, given a choice between being

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mugged for your sneakers or having your ethnic or religious heritage cleansed, the lust for sneakers may prove a more lasting way to improve the general lot of humanity.

Let's face it. In the world that I grew up in, your religion, your family name, the color of your skin, your language skills, your gender, where you went to school, your accent, and your marriage partner were doing the work that luxury consumption does now. My dad went to Exeter, Williams, and Harvard Med, and he never drove anything fancier than a Plymouth. He never had to. Today I wouldn't go to a doctor who drove a Plymouth. I would figure that if she doesn't drive a Lexus, she is having trouble with her practice.

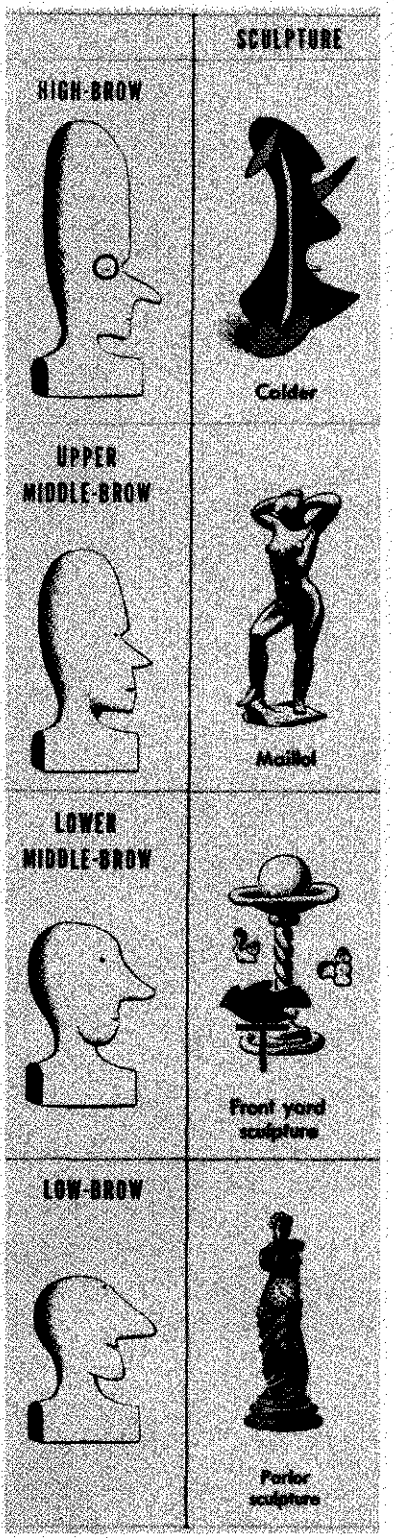
So I admit the ugly truth. After spending the last few years trying to understand the pull of the material world, I am far more sympathetic to its blandishments and far more forgiving of its excesses. The democratization of luxury has been the single most important marketing phenomenon of modern times. And it has profound political implications. It may not be as bad as some lifestyle scolds make it out to be. In its own way it is a fair, albeit often wasteful, system, not just of objects but of meaning. Don't get me wrong: It's not that I came to mock and stayed to pray, but I do feel that getting and spending has some actual worth. Nobody checks the number of vowels in your name, or the color of your skin, or whether you know the difference between *like* and *as* when you are buying your Prada parka—that's got to mean something.

Although luxury has become a mallet with which one pounds the taste of others, this misses some essential points. One is that humans are consumers by nature. We are tool users because we like to use what tool using can produce. In other words, tools are not the ends but the means. So too materialism does not crowd out spiritualism; spiritualism is more likely a substitute when objects are scarce. When we have few things, we make the next world luxurious. When we have plenty, we enchant the objects around us.

Second, consumers are rational. They are often fully aware that they are more interested in consuming aura than objects, sizzle than steak, meaning than material. In fact, if you ask them—as academic critics are usually loath to do—they are quite candid in explaining that the Nike swoosh, the Polo pony, the Guess? label, the DKNY logo are what they are after. They are not duped by advertising, packaging, branding, fashion, and merchandising. They actively seek and enjoy the status that surrounds the object, especially when they are young.

Third, we need to question the standard argument that consumption of opuluxe almost always leads to disappointment. Admittedly, the circular route from desire to purchase to disappointment to renewed desire is never-ending, but we may follow it because the other route—from melancholy to angst—is worse. In other words, in a world emptied of inherited values, consuming what looks to be overpriced fripperies may be preferable to consuming nothing.

Finally, we need to rethink the separation between production and consumption, for they are more alike than separate and occur not at different times and places but simultaneously. Instead of wanting less luxury, we might find that just the opposite—the paradoxical luxury for all—is a suitable goal of communal aspiration. After all, luxury before all else is a social construction, and understanding its social ramifications may pave the way for a new appreciation of what has become a characteristic contradiction of our time, the necessary consumption of the unnecessary. ◙



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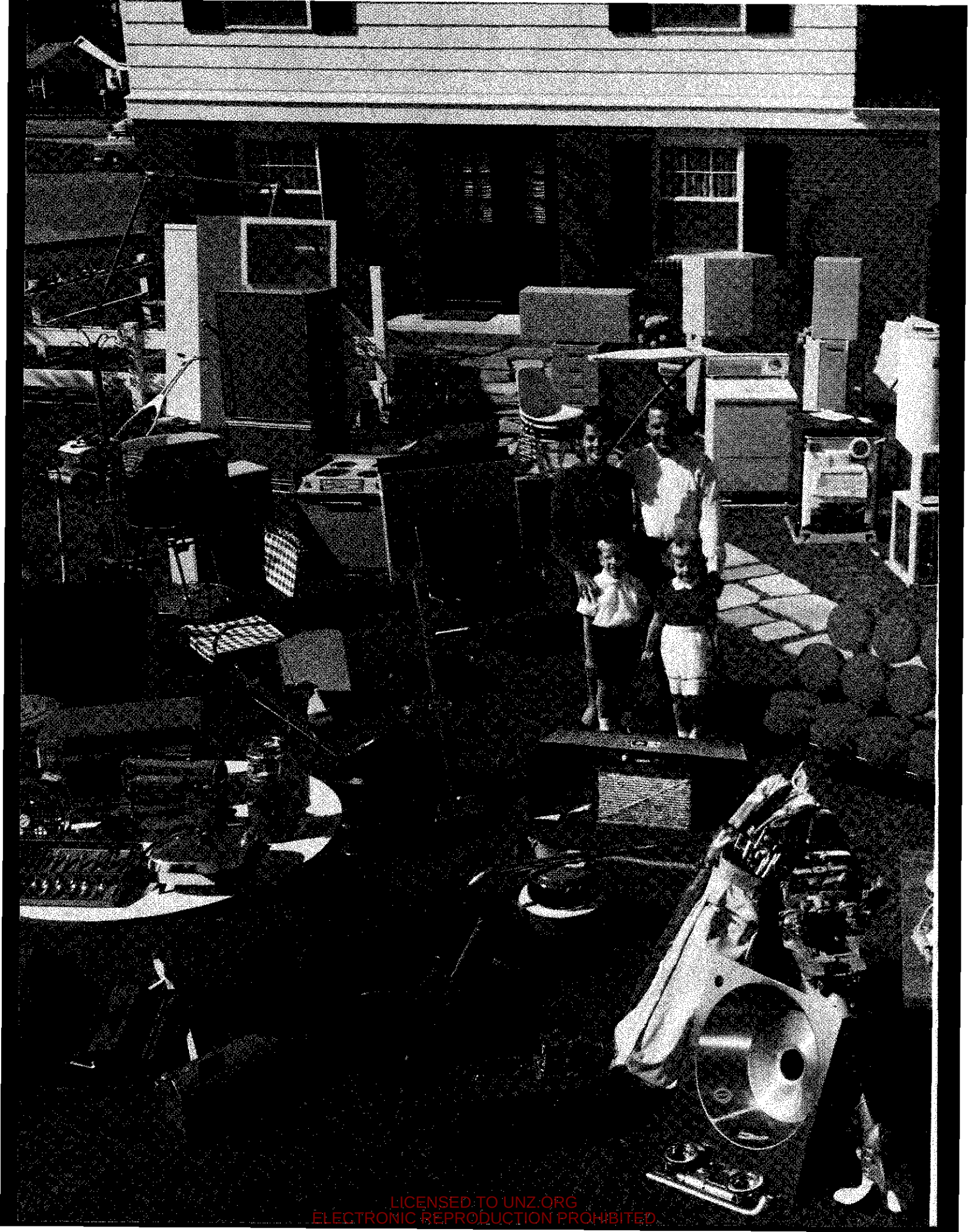

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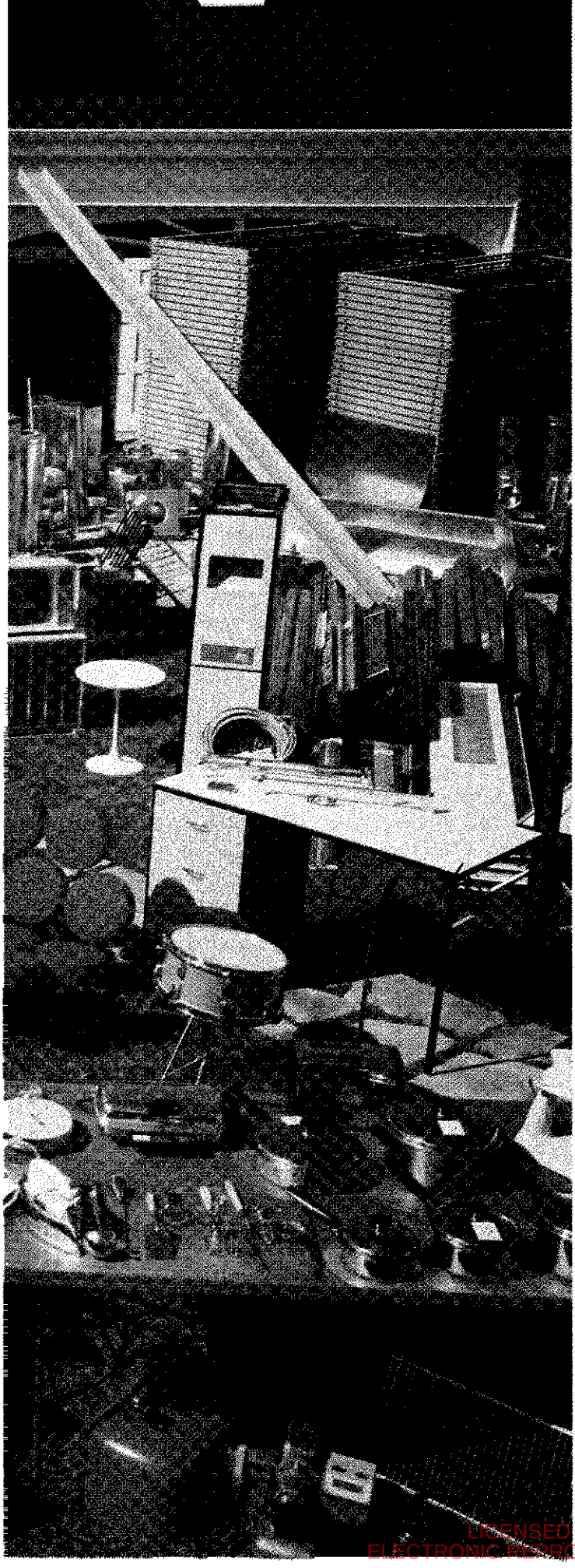

Off the Books

The benefits of free enterprise that economic statistics miss

W. Michael Cox and Richard Alm

AMERICA'S CONSUMER CULTURE is all around us. It's along our highways, studded with shopping malls, fast food joints, and flashy neon signs. It's in our homes, filled with gadgets, furnishings, toys, and closets of clothes. It permeates the media, where ads tell us happiness and sex appeal are as close as the nearest store. It's even within us, at least to the extent that we tie status and identity to the cars we drive, the clothes we wear, and the food we eat.

That's our reputation: a consumer-driven, somewhat crass, shop-'til-you-drop society. As the world's wealthiest nation, we *should* consume a lot, but the portrait of Americans as consumption crazed misses as much as it captures. We're not working just to acquire more goods and services. Most of us strive for something broader: a balanced life.

Consumption is part of that, of course. We buy myriad things: Chevrolet cars, Sony TV sets, Levi's jeans, Nike sneakers, McDonald's hamburgers, Dell computers. But our wish list doesn't stop there. We also want leisure time, a respite to enjoy life. We want pleasant working conditions and good jobs, so earning a living isn't too arduous. We want safety and security, so we don't live in fear. We want variety, the spice of life. We want convenience, which makes everyday life a little easier. We want a cleaner environment, which enhances health and recreation.

A full description of a balanced life would entail much more, with considerations for family and friends, perhaps even spirituality. Here we want to focus on the components of happiness that clearly depend on the market but are not reflected in the gross domestic product (GDP). Our free enterprise system provides much more than the goods and services we consume; it fur-

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nishes ingredients of a balanced life that are often overlooked in discussions of economic performance.

Capitalism creates wealth. During the last two centuries, the United States became the world's richest nation as it embraced an economic system that promotes growth, efficiency, and innovation. Real GDP per capita tripled from 1900 to 1950; then it tripled again from 1950 to 2000, reaching $35,970.

The wealth didn't benefit just a few. It spread throughout society. For many people, owning a home defines the American Dream, and 68 percent of families now do—the highest percentage on record. Three-quarters of Americans drive their own cars. The vast majority of households possess color televisions (98 percent), videocassette recorders (94 percent), microwave ovens (90 percent), frost-free refrigerators (87 percent), washing machines (83 percent), and clothes dryers (75 percent). In the past decade or so, computers and cell phones have become commonplace.

As people become wealthier, they continue to consume more, but they also look to take care of other needs and wants. They typically choose to forgo at least some additional goods and services, taking a portion of their new wealth in other forms.

Consider a nation that rapidly increases its productive capacity with each passing generation. Workers could toil the same number of hours, taking all of the gains as consumption. They may choose to do so for a while, but eventually they will give up some potential material gains for better working conditions or additional leisure. Hours of work shrink. Workplaces become more comfortable. In the same way, we give up consumption in favor of safety, security, variety, convenience, and a cleaner environment.

Less Work, More Play

In the early years of the Industrial Revolution, most Americans were poor, and they wanted, above all, more goods and services. These factory workers sharply improved their lives as consumers, even though for most of them it meant long hours of toil in surroundings we'd consider abominable today. As America grew richer, what workers wanted began to change, and leisure became a higher priority.

Few of us want to dedicate every waking hour to earning money. Free time allows us to relax and enjoy ourselves, spend time with family and friends. Higher pay means that each hour of work yields more consumption—in essence, the price for an hour of leisure is going up—but we're still choosing to work less than ever before. According to economists' estimates and Department of Labor figures, the average workweek shrank from 59 hours in 1890 to 40 hours in 1950. Although today we hear stories about harried, overworked Americans who never seem to have enough time, the proportion of time spent on the job has continued to fall. Average weekly hours for production workers dropped from 39 in 1960 to 34 in 2001.

Since 1950 time off for holidays has doubled, to an average of 12 days a year. We've added an average of four vacation days a year. Compared to previous generations, today's Americans are starting work later in life, spending

Compared to previous generations, today's Americans are starting work later in life, spending less time on chores at home, and living longer after retirement. All told, 70 percent of a typical American's waking lifetime hours are available for leisure, up from 55 percent in 1950.

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less time on chores at home, and living longer after retirement. All told, 70 percent of a typical American's waking lifetime hours are available for leisure, up from 55 percent in 1950.

Even at work, Americans aren't always doing the boss's bidding. According to University of Michigan time diary studies, the average worker spends more than an hour a day engaged in something other than assigned work while on the job. Employees run errands, socialize with colleagues, make personal telephone calls, send e-mail, and surf the Internet. More than a third of American workers, a total of 42 million, access the Internet during working hours. The peak hours for submitting bids on eBay, the popular online auction site, come between noon and 6 p.m., when most Americans are supposedly hard at work.

With added leisure, the United States has turned arts, entertainment, and recreation into a huge industry. Since 1970, attendance per 100,000 people has risen for symphonies, operas, and theaters as well as for national parks and big-league sporting events. The annual *Communications Industry Forecast,* compiled by New York–based Veronis, Suhler & Associates, indicates that we watch an average of 58 hours of movies at home each year. Yet Americans go out to an average of 5.4 movies a year, up from 4.5 three decades ago.

The number of amusement parks has increased from 362 in 1970 to 1,164 today. The number of health and fitness facilities has more than doubled, to 11,241. Adjusted for inflation, per capita spending on recreation nearly quadrupled in the last three decades. Leisure and recreation are even important enough to have become an academic subject: 350 colleges and universities offer degree programs in it.

The explosion of leisure spending and activities confirms the addition of more free time to our lives. If we hadn't reduced our hours of work, we couldn't spend as much time and money as we do on entertainment and recreation. Americans may find themselves pressed for time, but it's not because we're working harder than we used to. We're busy having fun.

Better Work Too

As the Industrial Revolution arrived in the 19th century, workers migrated from family farms to factories, from the Old World to the New World. They saw their paychecks rise but became, like Charlie Chaplin's character in *Modern Times*, mere cogs in a vast engine of mass production. Work was often brutal. Early factories were noisy, smelly, and dirty; they were cold in the winter and hot in the summer. The labor itself was repetitive, physically exhausting, and often dangerous. It was a time of mind-numbing repetition, standing on assembly lines, nose to the conveyor belt. To eke out a meager living, employees toiled an average of 10 hours a day, Monday through Friday, plus another half-day on the weekend. Breaks were few and far between. Work rules were draconian: no talking, no eating or drinking, not a minute late punching the time clock.

We've come a long way since then. For the most part, modern work takes place in a clean, well-lit, and air conditioned environment. A growing number of modern workplaces offer on-the-job amenities previous generations didn't even contemplate, such as on-site day care for children, exercise facilities, and concierge services. More and more employees are getting paternity leave, stock options, personal days off, and paid sabbaticals.

Jeans, sport shirts, and slacks are in. Ties and pantyhose are out. A July 2000 survey by the catalog retailer Land's End found that dress had become more casual in the previous five years at more than 80 percent of *Fortune* 500 firms.

More Americans than ever are free to choose the time and place for work, as long as the job gets done. In 1997, 28 percent of American workers were on flexible schedules, double the percentage in 1985. With laptop computers, cell phones, fax machines, electronic mail, and the Internet, fewer employees are tethered to the office. Telecommuting began with a handful of workers three decades ago. By 2001, 29 million Americans worked at least part of the time away from their companies' places of business.

Work isn't just more pleasant. It's also safer. Occupational injuries and illnesses, as tallied by the National Safety Council, are at an all-time low of 63 per 1,000 workers. The number of Americans killed on the job has fallen to a record low of 38 per million workers, down from 87 in 1990 and 214 in 1960.

Safer workplaces come in part from fewer accidents in such dangerous occupations as construction and manufacturing. At the same time, our economic base is shifting toward services,

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where jobs are less risky. The nature of the work we do is changing too. For most Americans in past generations, long days on the job involved tasks that were repetitive, physically exhausting, and often dangerous. Modern work is more likely to require analytical and interpersonal skills. Fewer employees make their livings with their backs and hands.

Jobs Rated Almanac 2001 provides a handy database of 300 occupations, ranked from best to worst. To focus on working conditions rather than pay, wages are taken out of the equation. Once that's done, it's clear our employment base is shifting in a positive direction. Since 1970 the 30 best jobs—including computer scientist, legal assistant, and engineer—have risen from 9 percent to 13 percent of total employment. At the same time, the 30 worst occupations—from logger to textile mill worker—have declined from 13 percent to 9 percent of all jobs. The trend toward better jobs is likely to continue. The Bureau of Labor Statistics estimates that the 10 best jobs will grow by 27 percent through 2008, while the 30 worst jobs will expand by just 7 percent.

Making workplaces more pleasant takes money. The added expense figures, along with wages, into the overall bill for labor. Companies pay it to attract new workers and retain those already on board. Employers shouldn't care whether the money goes for wages, time off, or working conditions. By their decisions on where to work, employees reveal their preferences.

Safer Lives

Although concerns about security have come to the fore since September 11, we shouldn't forget how far the United States has already come in making life safer. The toll of death and disease has been steadily reduced. Annual deaths per 1 million people are at an all-time low. The age-adjusted death rate has fallen by two-thirds since 1900. Fatalities from nearly all major diseases, tracked by the U.S. Centers for Disease Control and Prevention, have declined sharply from their peak rates. The rate of fatalities per 100,000 due to natural causes has fallen from 767 in 1950 to 422 in 1998, the most recent year for which data are available. The incidence of accidental deaths, both at home and on the job, is declining. So are fatalities associated with floods, tornadoes, and hurricanes.

Gains in transportation safety have been dramatic. In the five-year period ending in 2000, according to the Federal Highway Administration, annual deaths on American roads averaged 16 per billion miles driven, compared with 53 in the five years ending in 1970 and 83 for the post–World War II years. The Air Transportation Association reports that deaths per billion passenger miles flown fell from 16.7 a year in 1946–50 to 1.3 in 1966–70 to 0.14 in 1996–2000.

As a wealthy nation, we can afford to spend time and money to reduce life's risks. We can buy alarms for our homes and cars. We can buy insurance on our property and our lives. We can reduce the financial risks of illness and old age by taking part of our pay in health benefits and retirement savings.

We can also shift resources to the military to create an even more fearsome fighting force. During World War II, defense spending per capita averaged $3,475 a year in

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today's dollars, or 29 percent of total output. Today, each American's share of the defense budget comes to $1,079, just 3 percent of GDP.

Making America a safer place owes much to advances in engineering and technology. Divided highways, better roads, anti-lock brakes, radial tires, and air bags are reducing the highway death toll. More-sophisticated weather forecasting gear provides warnings of severe weather, so we can take refuge in time.

New medicines and treatments have reduced the incidence of fatal diseases. More are probably on the way. The stock market values the nation's 10 largest pharmaceutical companies at more than $1 trillion, an indication that we expect their sales to grow from future advances in health.

A Safer, Healthier Life

	1970	The Latest*
Age-adjusted death rate per 100,000 people	1,222.6	872.4
Deaths per 100,000 people from 15 leading diseases	731.6	605.3
Accidental deaths in the home per 1 million people	132.0	107.0
Work-related deaths per 1 million workers	178.0	38.0
Deaths per billion miles driven	53.2	15.9
Deaths per billion miles flown	1.3	0.14
Homicide deaths per 1 million people	79.0	57.0
Deaths per 100 tornadoes per 100,000 people	6.8	1.8
Deaths per hurricane per 100,000 people	10.1	3.3
Life expectancy at birth	70.8	77.1
Median age of the population	28.1	35.3
Injuries per 100 full-time workers in manufacturing	15.2	7.8
Incidence per 100,000 people of 14 reportable diseases	659.0	184.0

* Years range from 1999 to 2000 depending on the original source.
Source: Federal Reserve Bank of Dallas

Greater safety and security didn't come about by accident. It's what we, as a people, wanted. We put a high value on our lives and physical well-being, and we're willing to pay the costs of protecting ourselves against the sometimes unpleasant facts of life.

Life is inherently risky, and protecting ourselves must be weighed against the considerations of cost and convenience. We'll never achieve a perfect safety record. In an uncertain world, we possess the wealth to afford more safety and security and the know-how to provide it, if that's what we decide we want.

Convenience and Variety

By introducing industrial efficiency to his factories, Henry Ford brought the automobile within the reach of an emerging middle class. The miracle of mass production delivered the goods but didn't adapt easily, so all Model T's looked alike. Ford's attitude can be summed up in what he reputedly said about the car's paint: "The consumer can have any color he wants, as long as it's black." Ford's company still makes black cars for drivers who want them, but it now offers a rainbow of colors: red, green, aquamarine, white, silver, purple.

The U.S. marketplace teems with variety. Just since the early 1970s, there's been an explosion of choice: The number of car models is up from 140 to 239, soft drinks from 50 to more than 450, toothpaste brands from four to 35, over-the-counter pain relievers from two to 41.

The market offers 7,563 prescription drugs, 3,000 beers, 340 kinds of breakfast cereal, 50 brands of bottled water. Plain milk sits on the supermarket shelf beside skim milk, 0.5-percent-fat milk, 1-percent-fat milk, 2-percent-fat milk, lactose-reduced milk, hormone-free milk, chocolate milk, buttermilk, and milk with a shelf life of six months. Not long ago, the typical TV viewer had access to little more than NBC, CBS, ABC, and PBS. Today, more than 400 channels target virtually every consumer interest—science, history, women's issues, Congress, travel, animals, foreign news, and more.

Like variety, convenience has emerged as a hallmark of our times. Companies compete for business by putting their products and services within easy reach of their customers.

In 1970 the nation's lone automated teller machine was at the main office of the Chemical Bank in New York. Now ATMs are ubiquitous—not just at banks but at supermarkets, service stations, workplaces, sports facilities, and airports. All told, 273,000 machines offer access to cash 24 hours a day.

Remote controls are proliferating, the newest models incorporating voice-activated technology. Computers and digital devices go with us everywhere. A cell phone is no longer a pricey luxury: The average bill fell from $150 a month in 1988 to $45 in 2001 in constant dollars. No wonder 135 million Americans now own mobile

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telephones. The number will continue to rise as prices continue to decline and more of us seek the peace of mind and convenience that come with communications in the pocket or purse.

Convenience stores are in nearly every neighborhood. Just one firm, industry leader 7-Eleven, has increased its locations from 3,734 in 1970 to 21,142 today. The Internet may be the ultimate convenience store, bringing shopping into the home. We're buying music, clothing, software, shoes, toys, flowers, and other products with a click of the mouse. Last year, a third of all computers and a fifth of all peripherals were sold online. Thirty-three million buyers ordered books on the Internet, accounting for $1 of every $8 spent in that category.

Convenience and variety aren't trivial extravagances. They're a wealthy, sophisticated society's way of improving consumers' lot. The more choices, the easier access to goods and services, the better. A wide selection of goods and services increases the chance that each of us will find, somewhere among all the shelves, showrooms, and Web sites, products that meet our requirements. Convenience allows us to economize on the valuable commodity of time, getting what we want more quickly and easily.

A Cleaner Environment

The environment presents a textbook case for tradeoffs between consumption and other aspects of life. Traditionally, economists teach that markets undervalue clean air, fresh water, pristine vistas, and endangered species because they aren't owned, like factories, houses, or other private property. Without clear title and market prices, there's little economic incentive to reduce pollution or husband resources. The nation's natural assets end up underpriced and overexploited.

Our desire for a balanced life mitigates the classic dilemma of market failure and the environment. A wealthier nation possesses the time, money, and inclination to shift the balance from exploiting the environment to preserving it. We want clean air and water for reasons of health, recreation, and aesthetics. We've developed a sense of moral obligation toward lesser species. We find unspoiled nature pleasant—although we tend to want clean linens and good food along with it.

Our desires have had a dramatic effect in recent decades. Levels of such major air pollutants as particulate matter, sulfur oxides, volatile organic compounds, carbon monoxide, and lead were at their peaks in 1970 or earlier. Levels of nitrogen oxides peaked in 1980. Water quality has improved since the 1960s, when authorities banned fishing in Lake Erie. Through government and private foundations, we're spending billions of dollars every year to preserve natural areas from development and save threatened species from extinction.

Capitalism's penchant for innovation is helping us act on our concern for the environment. We've developed less polluting gases for air conditioning systems, so we can stay cool at a lower cost to air quality. Fish farms are creating another compromise, providing salmon for our dinner tables while reducing fishing for wild species.

Taking better care of the environment is a natural exten-

GDP may be accurate as a tally of how much our farms, factories, and offices produce, but it's increasingly inadequate as a measure of how well the economy provides us with what we want. Our ability to choose a balanced life is one of the market's most important success stories.

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sion of economic progress. At one time, the air in Pittsburgh was very dirty. It was the price we were willing to pay for all those consumer goods the industrial age offered. It wasn't that we liked pollution; it was just that the price of cleaner air was too high. Today, having grown richer, we can afford the pollution controls that have made Pittsburgh's air sweeter than an ocean breeze. Exploitation of the environment is worst in poor countries, where the economic imperative lies in producing the food, goods, and services needed for daily life. Wealthier countries possess the means and motive for a balanced life, and they do a better job of taking care of their surroundings.

Beyond Statistics

The statistics that measure our economy are reasonably good at counting the value of the cars, clothing, food, sports gear, jewelry, and other goods and services we buy. When we choose an additional hour off over additional income, though, GDP shrinks with the loss of the hour's income and output. We don't count leisure as an economic benefit because we haven't assigned a dollar value to it, even though we opt for time off because it improves our lives.

When it comes to many aspects of a balanced life, our economic barometers come up short. Safety and security are all about preventing bad things from happening. Increased spending on highway safety registers in GDP, but we don't track how much better off we are because of the accidents, injuries, and deaths we avoid. If investing in prevention works, it can actually reduce total output, at least the way we measure it, because less money is spent treating the sick and injured, repairing damage, and replacing lost property.

Variety makes products more valuable by giving us the designs, colors, and features that fit our preferences, but the statistics count everything as plain vanilla. How conveniently our wants and needs are fulfilled doesn't matter to GDP. A cleaner environment makes for a better country, but it may come at the cost of economic growth.

Inflation-adjusted GDP figures indicate economic growth at an annual average of 3 percent during the last two decades. GDP may be entirely accurate as a tally of how much our farms, factories, and offices produce, but it's increasingly inadequate as a measure of how well the economy provides us with what we want. Our ability to choose a balanced life is one of the market's most important success stories.

Some may argue that it isn't the market that makes a balanced life possible. They might concede that our economy produces abundant goods and services, but they credit government agencies, with their regulations, and unions and pressure groups, with their advocacy, for everything else. History tells us government and advocates play their roles, but they aren't the ultimate source of progress. They don't foot the bill for the choices we make to gain a balanced life. Whatever we want must be paid for, and money ultimately comes from the economy.

Companies improve working conditions because they can afford to, not simply because workers, unions, or government agencies demand it. The dismal work environments in now-defunct socialist nations—all supposedly designed to benefit the worker and eradicate the capitalist—provide a powerful testament to the fact that good intentions are hollow without the ability to pay.

The main role of collective action has been to act as a voice for what we want. Environmental groups formed as the result of our desire for cleaner air and water. When we take our preferences for leisure and better working conditions to unions or elected officials, they help create consensus among employees and lower the cost of communicating these desires to employers.

In the long run, we cannot afford any component of a balanced life—be it consumption, leisure, easier workdays, safety and security, variety and convenience, or environmental cleanup—that we don't earn by becoming more productive. When counting our blessings, we should first thank the economic system. Not federal agencies, not advocacy groups, not unions.

Our quest for a balanced life will never end. The U.S. economy, now recovering from its first recession in a decade, will make our society wealthier in the years ahead. We'll take some of our gains in goods and services, but we will also continue to satisfy our desires for the less tangible aspects of life. ▯

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Sins of the Fathers

Is child molestation a sickness or a crime?

Thomas Szasz

We use words to label and help us comprehend the world around us. At the same time, many of the words we use are like distorting lenses: They make us misperceive and hence misjudge the object we look at. As Sir James Fitzjames Stephen, the great 19th-century English jurist, aptly put it, "Men have an all but incurable propensity to prejudge all the great questions which interest them by stamping their prejudices upon their language."

Consider the ongoing scandal involving Roman Catholic priests accused of molesting boys. American law defines sexual congress between an adult and a child as a crime. The American Psychiatric Association defines it as a disease called "pedophilia."

Crimes are acts we commit. Diseases are biological processes that happen to our bodies. Mixing these two concepts by defining behaviors we disapprove of as diseases is a bottomless source of confusion and corruption.

That confusion was illustrated by a February 8 letter to *The Boston Globe* in which the Rev. John F. Burns defended Boston Cardinal Bernard Law against critics who said he ought to resign. As an archbishop, Law had transferred the Rev. John J. Geoghan to a new parish despite allegations of sexual abuse. Geoghan eventually was accused of molesting more than 100 children over three decades.

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"It should be noted that neither Cardinal Bernard Law nor Father John Geoghan was aware early on of the etiology or pathology of the disease of pedophilia," Burns wrote. "The cardinal did what an archbishop does best. He showed kindness and love to an apparent errant priest. Father Geoghan also did what more recent knowledge shows pedophiles do: namely, be in total denial, with hardly any remembrance or remorse for their diseased acts. Calling for the cardinal's resignation is absurd. Let the healing begin and the law take its course."

The law is taking its course not only in the suits filed against the church by the victims of Geoghan and other abusive priests. Geoghan himself has been convicted of molestation in one case and faces trial in another. But if his behavior was caused by "the disease of pedophilia," a condition that not only compelled him to fondle boys but erased his memory of those "diseased acts," how can it be just to punish him? The uncertainty introduced by viewing sexual abuse as the symptom of a disease played an important role in the church's failure to protect congregants from priests like Geoghan. In a May 8 deposition, Cardinal Law was asked how he approached molestation charges. "I viewed this as a pathology, as a psychological pathology, as an illness," he said. "Obviously, I viewed it as something that had a moral component. It was, objectively speaking, a gravely sinful act." The combination of these two irreconcilable views, medical and moral, was a recipe for inaction.

Medical Penal Establishment

Today virtually any unwanted behavior, from shopaholism and kleptomania to sexaholism and pedophilia, may be defined as a disease whose diagnosis and treatment belong in the province of the medical system. Disease-making thus has become similar to lawmaking. Politicians, responsive to tradition and popular opinion, can define any act, from teaching slaves to read to the cold-blooded murder of a bank guard, as a crime whose control belongs in the province of the criminal justice system.

Applied to behavior, especially sexual behavior, the disease label combines a description with a covert value judgment. Masturbation, homosexuality, and the use of nongenital body parts (especially the mouth and anus) for sexual gratification have, at one time or place, all been considered sins, crimes, diseases, normal behaviors, and even therapeutic measures. For many years psychiatrists imprisoned homosexuals and tried to "cure" them; now they self-righteously proclaim that homosexuality is normal and diagnose people who oppose that view as "homophobic." Psychiatrists diagnose the person who eats too much as suffering from "bulimia" and the person who eats too little as suffering from "anorexia nervosa." Similarly, the person who has too much sex suffers from "sex addiction," while the person who shows too little interest in sex suffers from "sexual aversion disorder." Yet psychiatrists do not consider celibacy a form of mental illness; celibate persons are not said to suffer from "anerotica nervosa."

Why not? Because psychiatrists, politicians, and the media respect the Roman Catholic Church's definition of celibacy as a virtue, a "gift from God," even though celibacy is at least as "abnormal" as homosexuality, which the church continues to define as a grievous sin—an "intrinsic evil," in the words of Cardinal Anthony Bevilacqua. Regardless of how unnatural or socially destructive a pattern of sexual behavior might be, if the church declares it to be virtuous—as with celibacy or abstinence from nonprocreative sexual acts—psychiatrists do not classify it as a disease. Thus a religion's moral teachings shape what is ostensibly a scientific judgment.

Conversely, psychiatric diagnoses affect moral judgments. Fred Berlin, founder of the Johns Hopkins Sexual Disorders Clinic and a professor of psychiatry at the Johns Hopkins School of Medicine, declares: "Some research suggests that some genetic and hormonal abnormalities may play a role [in pedophilia]....We now recognize that it's not just a moral issue, and that nobody chooses to be sexually attracted to young people." Yet an action that affects other people is always, by definition, a moral issue, regardless of whether the actor chooses the proclivity to engage in it.

Berlin misleadingly talks about the involuntariness of being "sexually attracted to young people." The issue is not sexual attraction; it is sexual action. A healthy 20-year-old male with heterosexual interests is likely to be powerfully attracted to every halfway pretty woman he sees. This does not mean that he has, or attempts to have, sexual congress with these women, especially against their will. The entire psychiatric literature on what used to be called "sexual perversions" is permeated by the unfounded idea—always

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The psychiatric hospital is a safe house for the sexually misbehaving priest, a place where he can be hidden until he is quietly reassigned to continue his abuse elsewhere.

implied, sometimes asserted—that "abnormal" sexual impulses are harder to resist than "normal" ones.

The acceptance of this notion helps explain the widespread belief that sex offenders are more likely than other criminals to commit new crimes, an assumption that is not supported by the evidence. Tracking a sample of state prisoners who were released in 1983, the Bureau of Justice Statistics found that 52 percent of rapists and 48 percent of other sex offenders were arrested for a new crime within three years, compared to 60 percent of all violent offenders. The recidivism rates for nonviolent crimes were even higher: 70 percent for burglary and 78 percent for car theft, for example.

These numbers suggest that pedophiles resist their impulses more often than car thieves do. In any case, it is impossible to verify empirically whether an impulse is resistible. We can only say whether it was in fact resisted. But that doesn't matter, because the purpose of such a pseudomedical claim is to excuse the actor of moral and legal responsibility.

Catholic officials took advantage of this psychiatric absolution to avoid dealing decisively with priests who were guilty of sexual abuse. What do church authorities do when a priest is accused of molesting children? They send him to a prestigious psychiatric hospital—Johns Hopkins in Baltimore, the Institute of Living in Hartford, the Menninger Foundation in Topeka—for "treatment." In practice, the psychiatric hospital is a safe house for the sexually misbehaving priest, a place where he can be hidden until he is quietly reassigned to continue his abuse elsewhere. Berlin claims such priests are closely watched after being discharged. But a priest who commits sexual abuse is a criminal who should be imprisoned, not a patient who should be monitored by psychiatrists in the church's pay.

Greek Love

Sex with minors was not always considered a disease. In ancient Greece, sexual relationships between men and boys were a normal part of life. Such relations, called "pederastic," typically occurred between a 20-to-30-year-old man and a 12-to-17-year-old boy. The man pursued the boy, and the boy submitted to him as the passive partner in anal sex. The man also played the role of mentor to his pupil. With the arrival of heavy pubic hair, usually at age 18, the younger man found a boy to mentor and get sexual satisfaction from. Sexual relations between men and young children played no part in Greek pederasty. Judaism and Christianity redefined same-sex relations as unnatural and condemned them as sinful. Then, as criminal laws supplemented or replaced ecclesiastical laws, same-sex relations became crimes as well. That understanding governed popular opinion until the rise of secularism and medical science.

The first person to propose redefining "pederasty," which in the 18th century became the term for what we call homosexuality, appears to have been the French physician Ambroise Tardieu (1818–1879). In 1857 Tardieu published a forensic-medical study to assist courts in cases involving pederasty. Tardieu believed that the penises of active homosexuals were anatomically different from the penises of passive homosexuals and "normal" men, that the anuses of passive homosexuals were anatomically different from the anuses of active homosexuals and normals, and that physicians could examine individuals and diagnose homosexuality by observing these alleged markers.

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People now think that any Greco-Latin word ending in *ia*—or with the suffix *philia* or *phobia*—is a bona fide disease. This credulity would be humorous if it were not tragic.

It remained for Karl Friedrich Otto Westphal (1833–1890), a famous German neurologist, to convert homosexuality from a disease identifiable by examining the subject's body into a mental illness identifiable by examining the subject's mind. Westphal renamed pederasty "sexual inversion" (in German, "contrary sexual feeling"), a term that was widely used well into the 20th century. It was also Westphal who popularized the erroneous idea, still held by many people, that male homosexuals are effeminate and female homosexuals are masculine. He argued that since sexual inversion was a disease it should be treated by doctors rather than punished by law.

A Return to Athens

Creating diseases by coining pseudomedical terms was raised to the level of art by Baron Richard von Krafft-Ebing (1840–1902), a German-born professor of psychiatry at the Universities of Strasbourg, Graz, and Vienna. In his *Psychopathia Sexualis* (1886), which made him world famous, Krafft-Ebing authoritatively renamed sexual sins and crimes "sexual perversions" and declared them to be "cerebral neuroses." Lawyers, politicians, and the public embraced this transformation as the progress of science, instead of dismissing it as medical megalomania based on nothing more than the manipulation of language. "Sexology" became an integral part of medicine and the new science of psychiatry.

We have come a long way from Krafft-Ebing. In July 1998 Temple University psychologist Bruce Rind and two colleagues published their research on pedophilia in the *Psychological Bulletin*, a journal of the American Psychological Association. The authors concluded that the deleterious effects on a child of sexual relations with an adult "were neither pervasive nor typically intense." They recommended that a child's "willing encounter with positive reactions" be called "adult-child sex" instead of "abuse."

Not surprisingly, this conclusion created a furor, which led to a retraction and apology. Raymond Fowler, chief executive officer of the American Psychological Association, acknowledged that the journal's editors should have evaluated "the article based on its potential for misinforming the public policy process, but failed to do so."

Apparently no one noticed that, according to the fourth edition of the American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders* (*DSM-IV*, published in 1994), a person meets the criteria for pedophilia only if his "fantasies, sexual urges, or behaviors cause clinically significant distress or impairment in social, occupational, or other important areas of functioning." In short, pedophilia is a mental illness only if the actor is distressed by his actions. Psychiatrists had likewise classified homosexuality as a disease if the individual was dissatisfied with his sexual orientation ("ego-dystonic homosexuality"), but not if he was satisfied with it ("ego-syntonic homosexuality"). Bending to the wind, the American Psychiatric Association later backtracked. In *DSM-IV-TR*, published in 2000, the requirement of "clinically significant distress or impairment" was omitted from the criteria for pedophilia.

Mental health professionals are not the only "progressives" eager to legitimize adult-child sex by portraying opposition to it as old-fashioned antisexual prejudice. In a 1999 article, Harris Mirkin, a professor of political science at the University of Missouri-Kansas City, stated that "children are the last bastion of the old sexual morality." As summarized by *The New York Times*, he argued that "the notion of the innocent child was a social construct, that all

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intergenerational sex should not be lumped into one ugly pile and that the panic over pedophilia fit a pattern of public response to female sexuality and homosexuality, both of which were once considered deviant." Mirkin cited precedents such as Greek pederasty. "Though Americans consider intergenerational sex to be evil," he wrote, "it has been permissible or obligatory in many cultures and periods of history." He told the *Times*: "I don't think it's something where we should just clamp our heads in horror....In 1900, everybody assumed that masturbation had grave physical consequences; that didn't make it true."

The analogy is fatally flawed. Autoerotic acts differ radically from heteroerotic acts. Masturbation is something the child does for himself; it satisfies one of his biological urges. In that sense, masturbation is similar to urination or defecation. That is why we do not call masturbation a "sexual relationship," a term that implies the involvement of two (or more) persons, one of whom may be an involuntary participant. Masturbation (in private) is an amoral act: Strictly speaking, it falls outside the scope of moral considerations. In contrast, every sexual relationship is intrinsically a moral matter; medical (or pseudomedical-psychiatric) considerations ought to play no role in our judgments of such acts. The religiously enlightened person may view same-sex relations as evil. The psychologically enlightened person may view any consensual sex relations as good. Society must decide which sexual acts are permissible, and individuals must decide which sexual acts they condemn, condone, or wish to engage in.

The Legal Line

The criminal law defines sex between adults and minors as a crime. But the law is a blunt instrument. Technically, an 18-year-old male who has a consensual sexual relationship with a 17-year-old female is committing a criminal act (statutory rape), even though he might be only one day older than his partner. Such "crimes" generally are not prosecuted.

Sexual contact between a priest and a 10-year-old boy is quite another matter, and here is where the medicalization of unwanted or prohibited behaviors hinders our understanding. To impress the laity, physicians long ago took to using Greek and Latin words to describe diseases. For example, they called inflammation of the lung "pneumonia" and kidney failure "uremia." The result is that people now think that any Greco-Latin word ending in *ia*—or with the suffix *philia* or *phobia*—is a bona fide disease. This credulity would be humorous if it were not tragic.

Bibliophilia means the excessive love of books. It does not mean stealing books from libraries. *Pedophilia* means the excessive (sexual) love of children. It does not mean having sex with them, although that is what people generally have in mind when they use the term. Because children cannot legally consent to anything, an adult using a child as a sexual object is engaging in a wrongful act. Such an act is wrongful because it entails the use of physical coercion, the threat of such coercion, or (what comes to the same thing in a relationship between an adult and a child) the abuse of the adult's status as a trusted authority. The outcome of the act—whether it is beneficial or detrimental for the child—is irrelevant for judging its permissibility.

Saying that a priest who takes sexual advantage of a child entrusted to his care "suffers from pedophilia" implies that there is something wrong with his sexual functioning, just as saying that he suffers from pernicious anemia implies that there something wrong with the functioning of his hematopoietic system. If that were the issue, it would be his problem, not ours. Our problem is that there is something wrong with him as a moral agent. We ought to focus on his immorality, and forget about his sexuality.

A priest who has sex with a child commits a grave moral wrong and also violates the criminal law. He does not treat himself as if he has a disease before he is apprehended, and we ought not to treat him that way afterward. ▮

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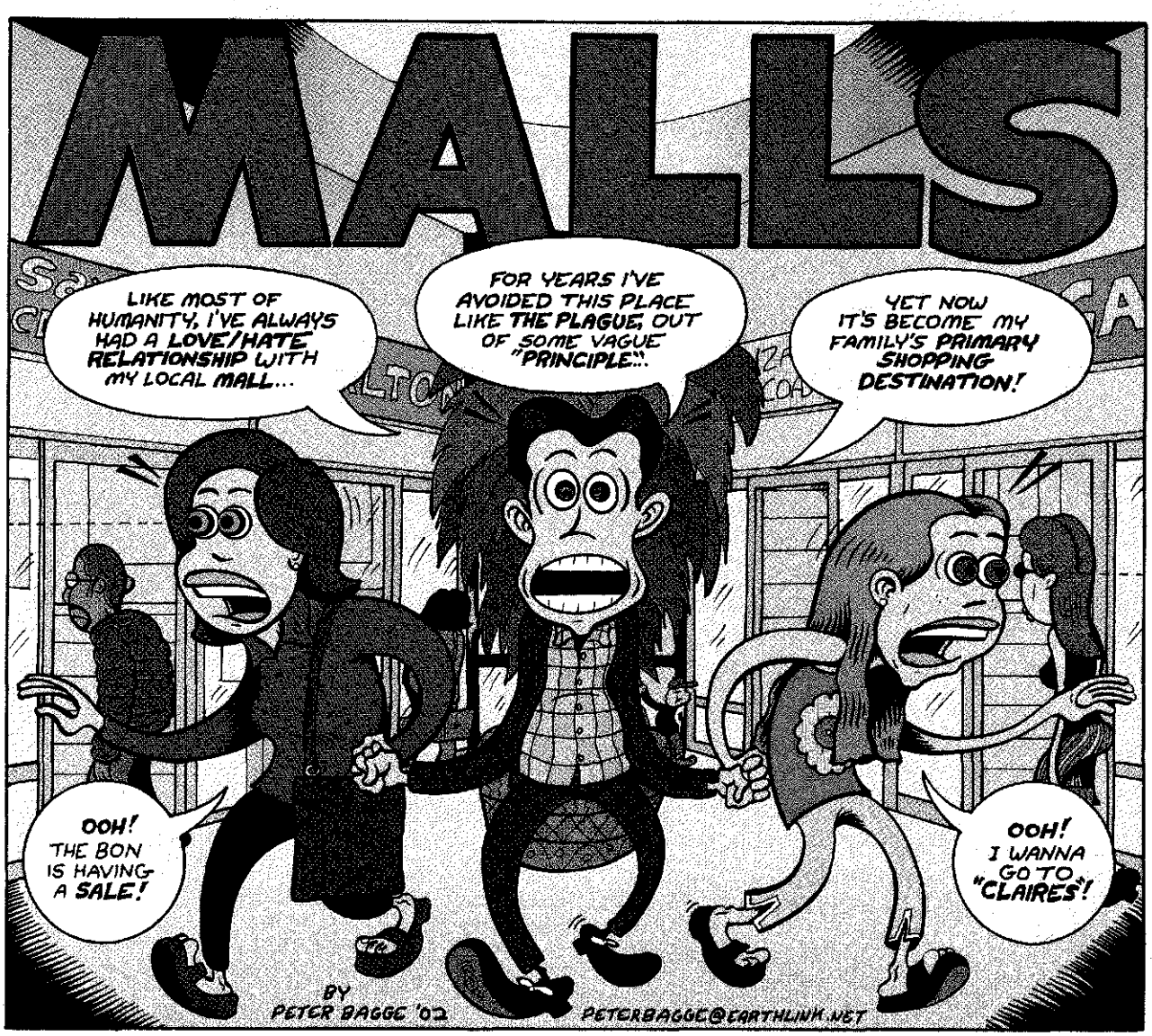
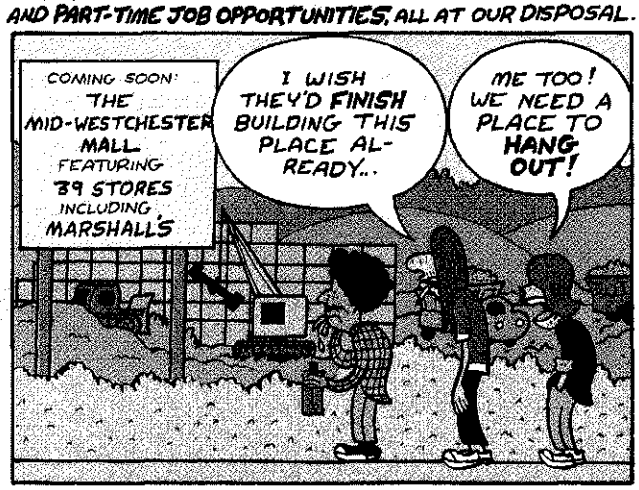

MALLS
LIKE MOST OF HUMANITY, I'VE ALWAYS HAD A LOVE/HATE RELATIONSHIP WITH MY LOCAL MALL...
FOR YEARS I'VE AVOIDED THIS PLACE LIKE THE PLAGUE, OUT OF SOME VAGUE "PRINCIPLE".
YET NOW IT'S BECOME MY FAMILY'S PRIMARY SHOPPING DESTINATION!
OOH! THE BON IS HAVING A SALE!
OOH! I WANNA GO TO "CLAIRES"!
BY PETER BAGGE '02
PETERBAGGE@EARTHLINK.NET

THE CONCEPT OF A "MALL" HELD GREAT PROMISE TO ME AND MY FELLOW TEENS BACK IN THE EARLY '70S. WE ENVISIONED IT AS A PLACE BURSTING WITH "MALL BABES" AND PART-TIME JOB OPPORTUNITIES, ALL AT OUR DISPOSAL.


COMING SOON: THE MID-WESTCHESTER MALL FEATURING 39 STORES INCLUDING MARSHALLS
I WISH THEY'D FINISH BUILDING THIS PLACE ALREADY..
ME TOO! WE NEED A PLACE TO HANG OUT!

IT WOUND UP OFFERING US NEITHER (THOUGH OUR LOITERING, SHOPLIFTING AND PUBLIC-INTOXICATION HABITS MAY HAVE HAD SOMETHING TO DO WITH IT). THUS, THE SEEDS OF RESENTMENT HAD BEEN SOWN!

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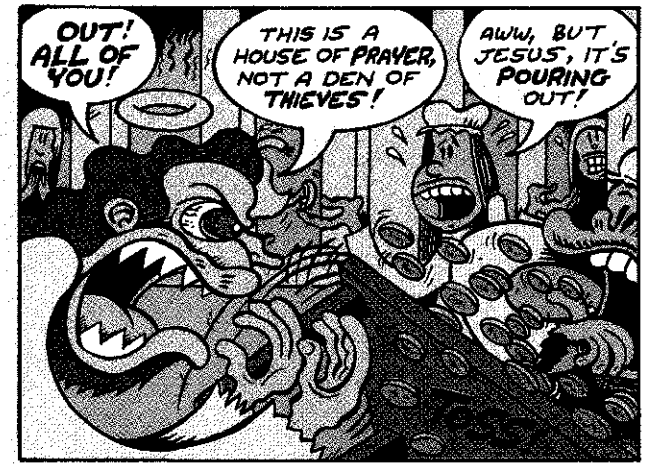
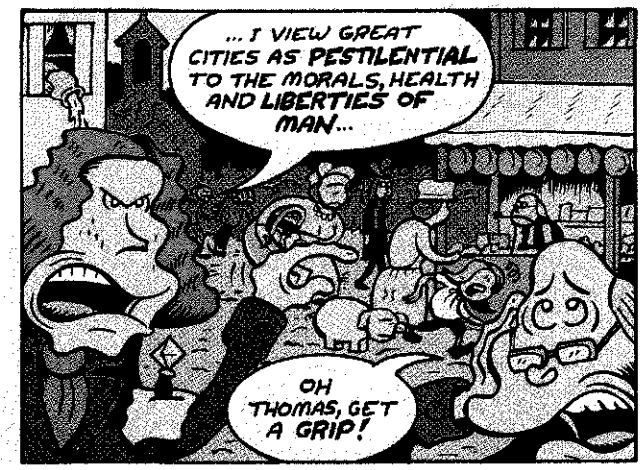
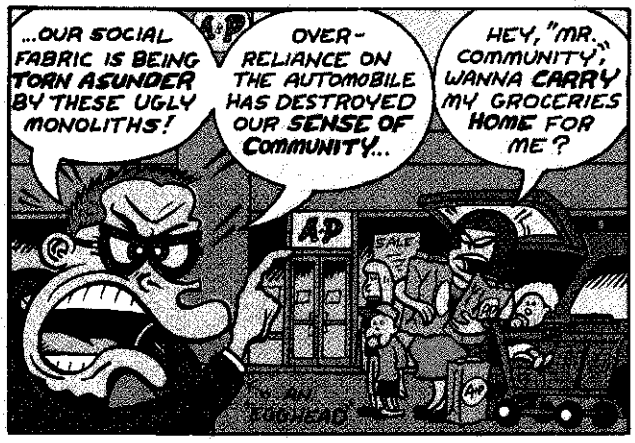
OF COURSE, MALLS WEREN'T DESIGNED SOLELY FOR THE AMUSEMENT OF **TEENAGED WASTRELS**. THE IDEA BEHIND THEM IS AS OLD AS "SHOPPING" ITSELF: TO PROTECT THE CUSTOMERS AND VENDORS FROM THE **ELEMENTS!**



STILL, MOST BUSINESS TRANSACTIONS HAVE ALWAYS TAKEN PLACE WHERE THE MOST **FOOT TRAFFIC** WAS — THAT BEING IN THE HEART OF **CITIES + TOWNS**; PLACES THAT ALWAYS APPALLED **AGRARIAN SNOBS** LIKE TOM JEFFERSON.

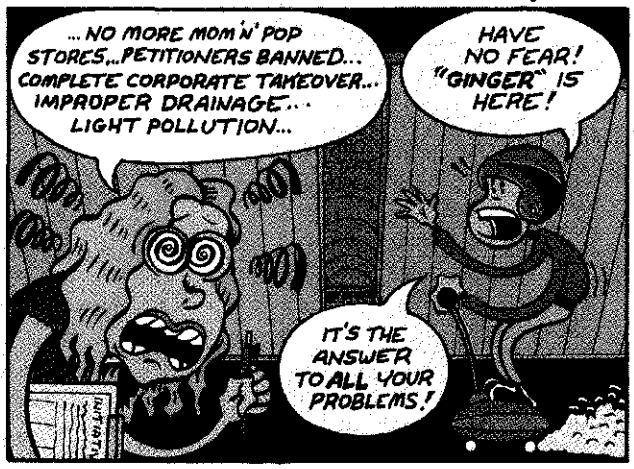


WIDESPREAD AUTOMOBILE OWNERSHIP MARKED THE BEGINNING OF THE END OF "MAIN STREET" AND THE RISE OF THE **SUBURBAN SHOPPING CENTERS** — THE ADVANTAGES OF WHICH WERE LOST ON MANY **CRITICS**, WHO SUDDENLY WERE FILLED WITH NOSTALGIA FOR THE **"OLD WAYS"**..


...OUR SOCIAL FABRIC IS BEING **TORN ASUNDER** BY THESE UGLY MONOLITHS!
OVER-RELIANCE ON THE AUTOMOBILE HAS DESTROYED OUR **SENSE OF COMMUNITY**...
HEY, "MR. COMMUNITY", WANNA **CARRY** MY GROCERIES **HOME** FOR ME?
A&P
SALE
FUCHCAO

THESE EARLY SHOPPING CENTERS WERE QUICKLY REPLACED THEMSELVES BY **ENCLOSED** SHOPPING CENTERS, OR "**MALLS**". SOON EVERY SUBURBANITE IN AMERICA WAS WITHIN **DRIVING DISTANCE** OF ONE, WHILE THEIR CRITICS BECOME EVEN **MORE** VOCIFEROUS IN THEIR CONDEMNATION OF **"MALL CULTURE."**

MALLS CONTINUED TO EXPAND INTO **ONE-STOP SHOPPING AND SERVICE DESTINATIONS**, RENDERING DOWNTOWNS ALL BUT OBSOLETE — WHILE "SPRAWLBUSTERS" CONTINUE TO RAIL AGAINST THIS NATURAL (OR TO THEM, **UN**NATURAL) TREND.


...NO MORE MOM 'N' POP STORES...PETITIONERS BANNED... COMPLETE CORPORATE TAKEOVER... IMPROPER DRAINAGE... LIGHT POLLUTION...
HAVE NO FEAR! "GINGER" IS HERE!
IT'S THE ANSWER TO **ALL** YOUR PROBLEMS!

MEANWHILE, THE OLD "MAIN STREET"S FOUGHT BACK WITH SUCH TOKEN GESTURES AS **BRICK SIDEWALKS, PEDESTRIAN ONLY STREETS** AND **PUBLIC ART PROJECTS** — ALL OF WHICH PROVED TO BE MOSTLY IN **VAIN**, HOWEVER.

...WORKS SUCH AS THESE CONTRIBUTE TO THE SENSE OF "PLACE" THAT TRADITIONAL COMMUNITIES LIKE **OURS** PROVIDE...
WHO CARES?
I JUST WANT YOU TO GET RID OF THESE GODDAMNED **PARKING METERS!**

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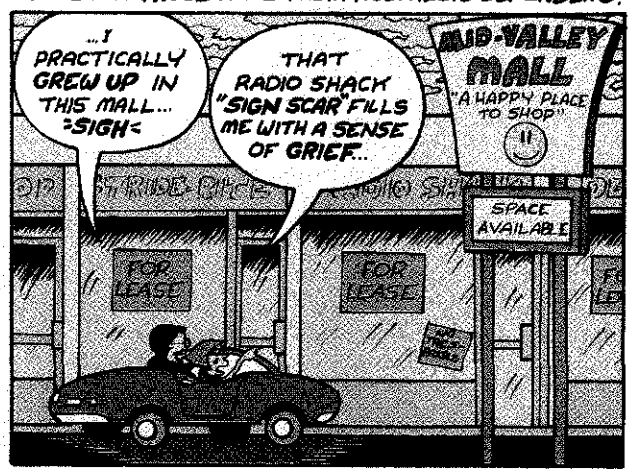
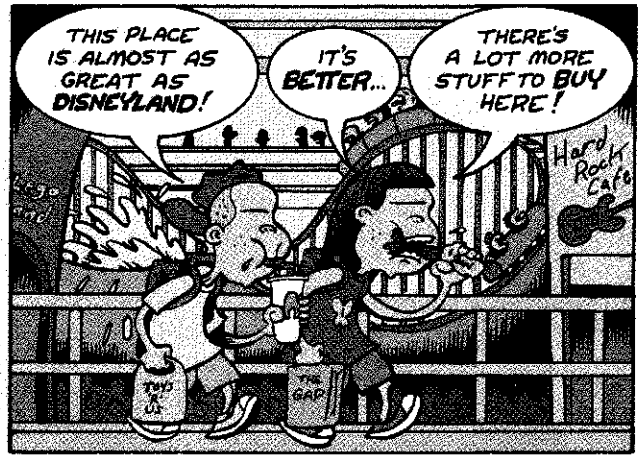
MALLS FINALLY MET THEIR MATCH IN THE FORM OF GIANT DISCOUNT "BIG BOX" STORES LIKE **WAL-MART** AND **COSTCO**, WHO WISELY REFUSE TO SHARE REAL ESTATE OR PARKING SPACE WITH ANY POTENTIAL **COMPETITION**.

IF OUR CUSTOMERS WANT TO DO ANY "COMPARISON SHOPPING" THEY'LL HAVE TO GET BACK IN THEIR CARS!
MEGAMART
WE SELL EVERYTHING — FOR LESS!
WHERE IS MY CAR?

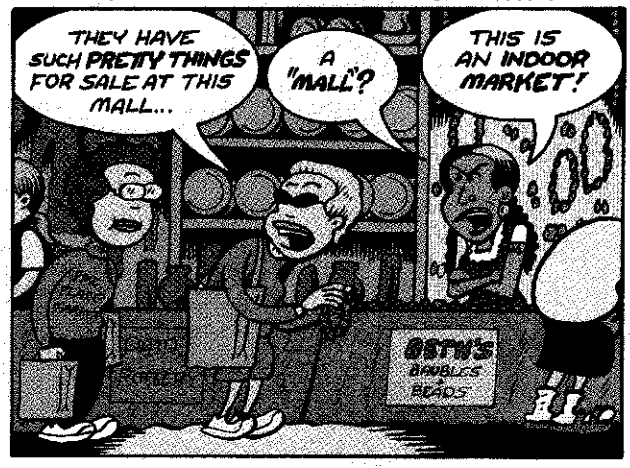
THESE MEGASTORES HAVE PUT MANY **DEPARTMENT STORE CHAINS** OUT OF BUSINESS, AND THE LOSS OF THEIR "ANCHOR STORES" HAS LED TO A PROLIFERATION OF "**DEAD MALLS**" —YET EVEN **THOSE** HAVE THEIR NOSTALGIC DEFENDERS!


...I PRACTICALLY GREW UP IN THIS MALL... =SIGH=
THAT RADIO SHACK "SIGN SCAR" FILLS ME WITH A SENSE OF GRIEF...
MID-VALLEY MALL
"A HAPPY PLACE TO SHOP"
SPACE AVAILABLE
FOR LEASE
FOR LEASE

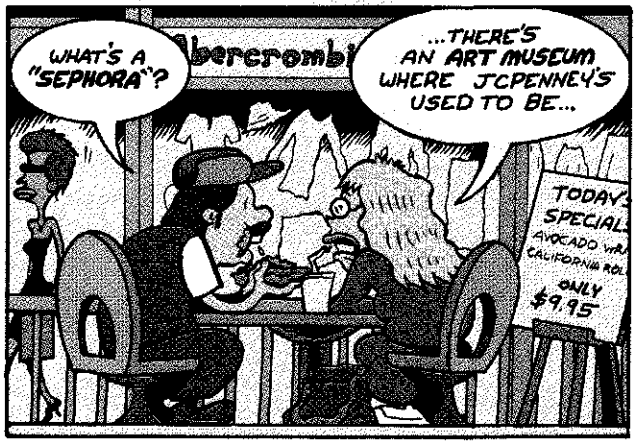
ONE RESPONSE TO THIS THREAT HAS BEEN TO TURN MALLS INTO **VACATION DESTINATIONS** — SUCH AS THE "MALL OF AMERICA," WHICH FEATURES RIDES, NIGHTCLUBS AND **GUIDED TOURS** TO GO ALONG WITH ITS 400-PLUS SHOPS!



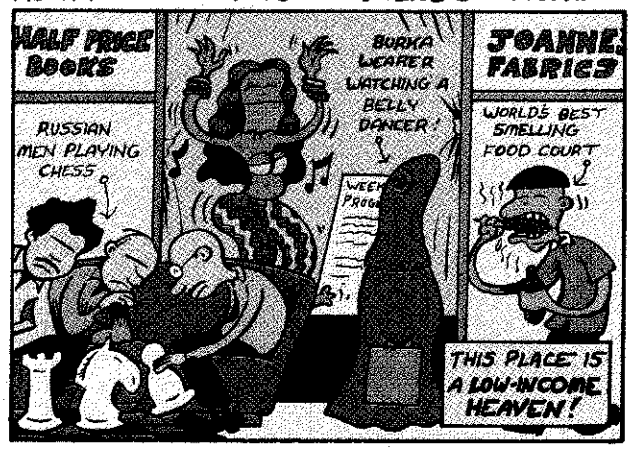
DOWNTOWNS ALSO CONTINUE TO FIGHT BACK BY "**MALL-IFYING**" THEIR SHOPPING DISTRICTS — AS WELL AS REVIVING AND EXPANDING THEIR OLD "FARMER'S MARKETS," WHICH ALSO DOUBLE AS **TOURIST TRAPS**!



THE WORKING-CLASS APPEAL OF THE MEGASTORES HAS INSPIRED SOME MALLS TO "UPSCALE" IN ORDER TO ATTRACT **MORE AFFLUENT CUSTOMERS** — WHILE SIMULTANEOUSLY **ALIENATING** SHOPPERS WHO DON'T FIT IN WITH THEIR NEW "**IMAGE**"...



ONE UNIQUE RESPONSE IS THE **CROSSROADS MALL** IN SUBURBAN SEATTLE — A FORMER "DEAD MALL" THAT NOW SERVES AS A BUSTLING **COMMUNITY CENTER** FOR ITS MIXED IMMIGRANT NEIGHBORHOOD, COMPLETE WITH A LIBRARY AND EVEN ITS OWN **POLICE STATION**...


HALF PRICE BOOKS
RUSSIAN MEN PLAYING CHESS
BURKA WEARER WATCHING A BELLY DANCER!
JOANN FABRICS
WORLD'S BEST SMELLING FOOD COURT
THIS PLACE IS A LOW-INCOME HEAVEN!

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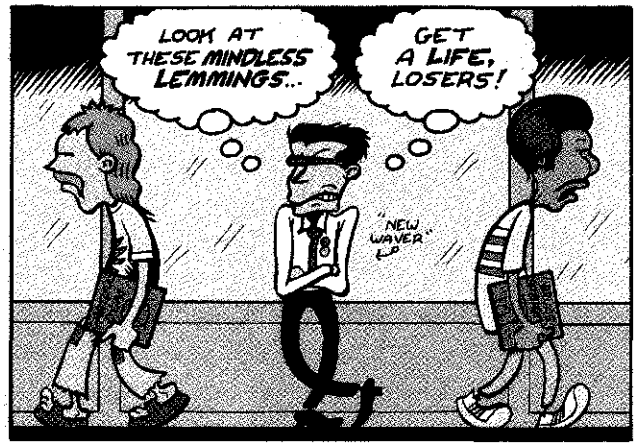
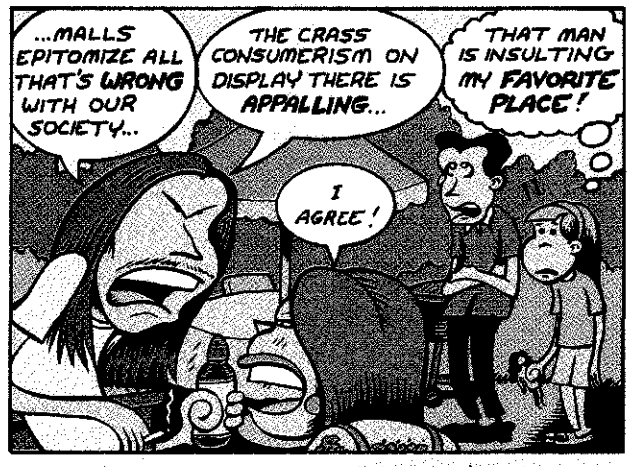
FOR THE LONGEST TIME I WAS A RABID **MALL-HATER.** NOT ONLY DID THEY NOT FIGURE INTO MY CHOSEN "URBAN PEDESTRIAN" LIFESTYLE, BUT THEY ALSO REPRESENTED THE **"SUBURBAN WASTELAND" MENTALITY** THAT I SPENT MY ENTIRE YOUNG ADULTHOOD TRYING TO **ESCAPE** FROM.



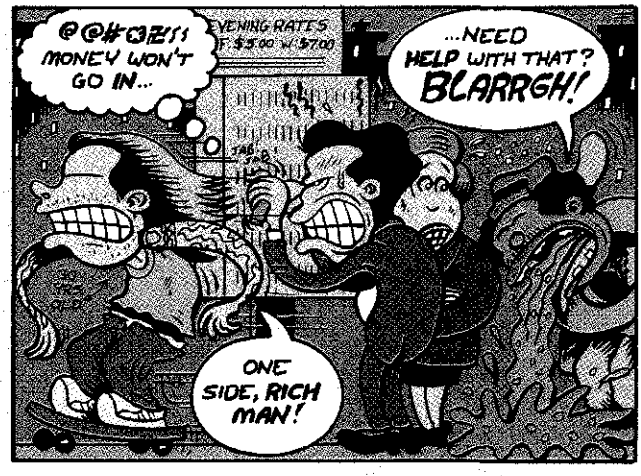
BECOMING A **PARENT** CHANGED ALL THAT. SUDDENLY WE **HAD** TO SHOP WITH A CAR JUST TO BE ABLE TO LUG THE **KID** TO AND FRO — AS WELL AS TO HAUL ALL OF OUR **PURCHASES.** PLUS, HAVING A **STROLLER** MAKES THE MALL A VERY **CONVENIENT** PLACE TO SHOP!

I ALSO NOTICED THAT THE MALL WAS FAR MORE CONVENIENT FOR ANYONE IN A **WHEELCHAIR,** OLD FOLKS WHO DON'T WANT TO BE **HURRIED,** AND ADOLESCENT GIRLS WHO WANT TO HANG OUT WITHOUT BEING **HARASSED**...

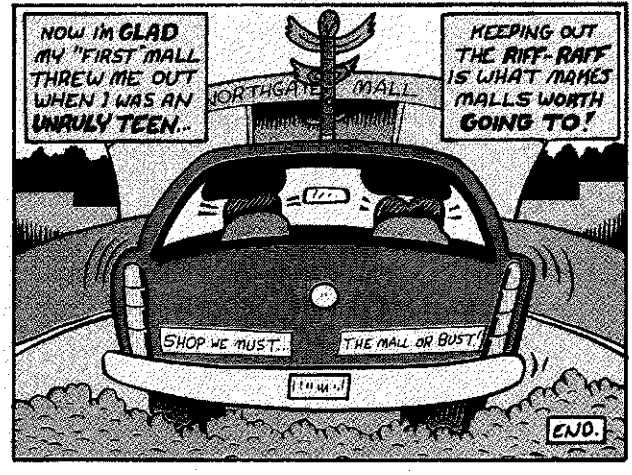
NOW WHENEVER I HEAR SOMEONE HOLDING FORTH ON WHAT **EVIL INSTITUTIONS** MALLS ARE I CRINGE WITH EMBARRASSMENT, SINCE IT REMINDS ME OF WHAT A SELF-RIGHTEOUS BLOWHARD I USED TO BE!


...MALLS EPITOMIZE ALL THAT'S WRONG WITH OUR SOCIETY...
THE CRASS CONSUMERISM ON DISPLAY THERE IS APPALLING...
I AGREE!
THAT MAN IS INSULTING MY FAVORITE PLACE!

RECENTLY MY WIFE AND I DECIDED TO TAKE IN A DINNER AND A MOVIE **DOWNTOWN** FOR THE FIRST TIME IN A WHILE — FORGETTING UNTIL IT WAS TOO LATE WHAT A PAIN **PARKING** AND **STREET PEOPLE** CAN BE DOWN THERE...



MAYBE WE'VE JUST GOTTEN **OLD** AND **SOFT**—AND SO WHAT IF WE **HAVE?**— BUT ON THE WAY HOME WE CAME TO AN **AGREEMENT:** THAT FROM NOW ON WE'D SPEND OUR EVENINGS OUT AT THE **LOCAL MALL!**


NOW I'M GLAD MY "FIRST" MALL THREW ME OUT WHEN I WAS AN UNRULY TEEN...
KEEPING OUT THE RIFF-RAFF IS WHAT MAKES MALLS WORTH GOING TO!
SHOP WE MUST...
THE MALL OR BUST!
END.

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Big Daddy

The dictator novel and the liberation of Latin America

Michael Valdez Moses

The Feast of the Goat, by Mario Vargas Llosa, translated by Edith Grossman, New York: Farrar, Straus, and Giroux, 404 pages, $25

IN THOSE HEADY days in 1967 when Gabriel García Márquez and his fellow writers of the Latin American literary "boom" regularly descended on Havana to attend Fidel's shrimp barbecues—in an age when Che still dashed about the globe on behalf of the Marxist millennium to come—two of "Gabo's" most illustrious companions, the Peruvian novelist Mario Vargas Llosa and his Mexican counterpart Carlos Fuentes, met in a London pub to hatch a grand literary enterprise. Together they projected an ambitious artistic project tentatively titled *Los padres de las patrias* (*The Fathers of the Nations*).

To this collective undertaking a number of the foremost contemporary Latin American writers were each to contribute a novel about a dictator from their respective countries: Fuentes was to write about Santa Ana, the Cuban novelist Alejo Carpentier about Gerardo Machado, the Paraguayan Augusto Roa Bastos about José Rodríguez de Francia, and the Argentine Julio Cortázar about Evita Perón.

Like many centrally planned enterprises of the era, the project never quite materialized as envisioned. But during the long decades that followed that meeting, years that saw Castro transformed from the hemisphere's great emancipator into one of its last old-style caudillos and tyrants, and Vargas Llosa from a literary wunderkind and left-wing firebrand into the éminence grise of Latin American neoliberalism, a good many memorable examples of the Latin American dictator novel were published to considerable acclaim.

The most recent novel by the 66-year-old Vargas Llosa is *The Feast of the Goat* (*La Fiesta del Chivo*), which was published in Spanish in 2000 and in an admirable English translation by Edith Grossman in 2001. It is a work that recounts with gruesome detail and dramatic intensity the last days of the dictatorship of the Dominican tyrant Rafael Leonidas Trujillo Molina. *The Feast of the Goat* now takes its place with the finest novels to come out of Latin America in the last 50 years, joining such famous Latin American dictator novels as Miguel Angel Asturias' *The President* (*El señor Presidente*, 1946), Roa Basto's *I the Supreme* (*Yo el Supremo*, 1974), Carpentier's *Reasons of State* (*El recurso de método*, 1975), García Márquez's *The Autumn of the Patriarch* (*El otoño del patriarca*, 1975), and Tomás Eloy Martínez's *The Perón Novel* (*La novela de Perón*, 1985).

The Latin American dictator novel would seem to possess staying power as preternatural as that of "el Macho," the fictional dictator of *The Autumn of the Patriarch* who lives to be over 200 years old and, in a career coextensive with the history of modern Latin America, tyrannizes his island nation for what seems to his abject countrymen an eternity.

Of course, the enduring power of the Latin American dictator novel has everything to do with the enduring power of Latin American dictators. It is a non-fictional work of historical and political analysis, *Facundo: Civilization and Barbarism* (*Facundo: civilización y barbarie*, 1845), by the Argentine politician and statesman Domingo Faustino Sarmiento, that is regarded as the first great literary chronicle about a Latin American dictator and as a seminal influence on the great Latin American dictator novels to follow. In the course of a polemical critique of his political adversaries—Juan Manuel de Rosas, who ruthlessly wielded power in Argentina between 1829 and 1851, and the sanguinary provincial caudillo, Facundo Quiroga—Sarmiento presented himself as an advocate of enlightened and liberal principles as against the barbarism and savagery of the nation's strongmen.

Writing in an age before the advent of American gunboat diplomacy and Yankee imperialism in Latin America (the Monroe Doctrine notwithstanding), Sarmiento looked to the United States as a model of what a liberal, progressive, and modernizing Argentina might become. While Sarmiento's work has been long acknowledged as an ur-text by the many practitioners of the Latin American dictator novel, they have generally, and quite understandably, failed to share his enthusiasm for the burgeoning political influence of their powerful neighbor to the north.

Indeed, one of the constant themes running through the Latin American dictator novel, a theme that received special prominence during the literary "boom" of the 1960s and '70s, was the interdependence of the Latin American tyrant and Yankee imperialism. While more sympathetic than other Latin American novels to the (all too often unrealized) liberationist potential of the United States as a home of liberal democratic prin-

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ciples, institutions, and practices, *The Feast of the Goat* proves no exception.

One of the first graduates of the Dominican National Police (a constabulary force created by the U.S. military during its occupation of the Dominican Republic in the late 1920s), Trujillo remained in power for nearly 32 years with the tacit backing of the CIA and an impressive array of American "representatives, senators, governors, mayors, lawyers and reporters" who received generous bribes and political favors from the Dominican dictator. A longtime darling of U.S. governments because of his hard-line anti-communist stance, Vargas Llosa's Trujillo in his final days in May 1961 is outraged to find himself abruptly out of favor with a U.S. administration that, much like Claude Rains in *Casablanca*, is unaccountably shocked to discover that *el Chivo* ("the goat," Trujillo's nickname) has compiled a profoundly dismaying human rights record.

Vargas Llosa's novel revolves around the final day in the life of the beleaguered tyrant. A group of Dominican conspirators, among whom are several lifelong supporters of the regime, receive minimal material backing from the CIA and bring to a violent close the life and political career of this most unsavory of dictators. And yet, as with so many attempts before, Trujillo's assassination is nearly bungled; all but two of the conspirators meet a violent end (and in most cases far more gruesome than their victim's) at the hands of the vengeful Trujillo family and their remorseless political allies. But for chance, Trujillo might well have extended his reign until dotage brought it to an inglorious end.

That is because in his last days, like so many Latin American tyrants before him, Trujillo plans to turn the sudden opposition of his North American patron to his advantage. Nothing promises to reinvigorate his flagging popularity more than to face up to the Yankee aggressor in the name of *la patria*. Shortly before his death, Trujillo is already on the offensive, denouncing the U.S. in public speeches that appeal to Dominican nationalism and secretly plotting to realign the Dominican Republic with his former nemesis, the Soviet Union, and its communist allies (which include Castro's Cuba).

It's a credit to Vargas Llosa that his conversion to neoliberalism has not meant that he has become merely an apologist for U.S. political hegemony, any more than it has made him a reactionary apologist for authoritarian regimes (regardless of their anti-communist credentials). Vargas Llosa's complex view of the tangled interrelationship of American and Latin American politics is embodied in the fictional fate of one of his protagonists, Urania Cabral, a Dominican who returns in 1996 to her country after decades in exile in order to pay a last and none too reconciliatory visit to her ailing father, a man who once served in Trujillo's inner circle of advisers and confidantes. In order to placate the tyrant who has cast him into political limbo in 1961, he had offered up his 14-year-old daughter as a sexual sacrifice to Trujillo. Permanently traumatized by her brutal violation, Urania flees the Dominican Republic for a sterile and wearisome expatriate existence before she belatedly returns one final time to her fatherland.

The fact that as a single Latin American female she manages without the support of family and intimate friends to find educational, financial, and professional—though not emotional—fulfillment in her adopted United States marks the political distance Vargas Llosa has traveled. If the Yankee imperialists in Washington have long been part of Latin America's political problems, the civic society that they ostensibly represent has in any case offered a uniquely inviting realm of political and economic free-

My Sweet Lord

Explaining a former Beatle's artistic slide

As a longtime George Harrison fan—I am surely one of the five or six people in America who bought his 1982 turkey *Gone Troppo* upon its release—I studied with special care the reactions to his death last November. Most of the obits described his years with the Beatles, noted his early success as a solo performer, and then fast-forwarded to his painful final days. This was a way of not speaking ill of the dead, for it meant skipping over most of Harrison's discography.

Behind Sad Eyes: The Life of George Harrison, by Marc Shapiro (St. Martin's), and *Harrison*, an anthology of *Rolling Stone* articles (Simon & Schuster), follow the same basic format. In doing so, they underscore the fact that, as a musician, Harrison had passed away decades before he succumbed to cancer. Hence, the final entry in a 2002 *Rolling Stone* piece detailing "25 Essential Harrison Performances" is a squib about the 1973 hit "Give Me Love (Give Me Peace on Earth)."

The new books also combine to tell a cautionary tale about dissipated creativity and vital »

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dom in which the Latin American expatriate might find refuge, dignity, and prosperity, if not consummate happiness.

Though the authors who most conspicuously contributed to the literary prestige of the Latin American dictator novel can generally boast impeccable left-wing credentials (García Márquez, Roa Bastos, and Carpentier were all supporters of the Cuban Revolution, Carpentier having once served as an official representative of the Castro government), the genre has not fared well

The enduring power of the Latin American dictator novel has everything to do with the enduring power of Latin American dictators.

with most leftist academic and literary critics, most especially those faithful to a tradition of Marxist or socialist literary analysis. Many have argued that the genre is unaccountably retrograde, for the "protagonist" of these novels—the larger-than-life dictator who exemplifies the dangers of *personalismo*, of personal authoritarian rule—was already a historical anachronism by the time the genre achieved renewed prominence in the mid-'70s.

By then Latin American dictatorships had increasingly become technocratic, impersonal, and bureaucratic police states on the model of Chile, Argentina, and Uruguay (if all the more vicious and oppressive for their scientific refinement of the methods of tyrannical rule). The practitioners of the dictator novel, so the critics alleged, had unaccountably returned to a bygone era of colorful and outrageous tyrants that typified Latin America in the 19th and early 20th centuries, rather than face the brave new Latin American world of the 1970s. Moreover, in their need to captivate their readers, these novelists had inadvertently presented their fictional dictators in an all too attractive light. They were too powerful, too compelling, too charismatic, too funny to provide, even in retrospect, a cautionary lesson to the Latin American masses on the dangers of personal despotism.

Indeed, the more talented the novelist, the greater the risk that his tyrant would be so dramatically compelling as to win not only the interest, but even the secret admiration of the reader. Precisely because the audience was abject and oppressed, it could envy the dictator his fantastic power, his fabulous wealth, his prodigious sexual success with women, his legendary machismo. Insofar as novelists provided not an objective (and hence propagandistic) view of the dictator as a remote political figure, but instead rendered in intimate detail the *subjective* interiority of the man, with his *personal* failings, secrets, fears, anxieties, manias, and histories, he became much too human and consequently sympathetic, worthy even of pity and understanding.

Should the dictator serve as the subject of satire, the unintended effect of such comic diminishment was once again to win for him the reader's sympathy. As grand buffoon the tyrant became an inflated comic version of the Latin American *loco*, a gargantuan Latin male id, an amusing but still lovable cross of Cortez and Porfirio Rubirosa set loose in the brothels, taverns, dance halls, and national palaces of a crazy hemisphere where history constantly repeats itself as farce. In the hands of a García Márquez or Carpentier, *el macho* or *el Presidente* could even elicit *nostalgia* for the bad old days of the caudillos and caciques.

The Feast of the Goat does nothing to remedy the nervousness and discomfort of those *soi-disant* Marxist critics who doubt the political efficacy and "critical" potential of the Latin American dictator novel. For what Vargas Llosa has made explicit in his newest fiction is an insight that was sometimes entertained, but ultimately evaded or "dialectically" overcome in the narratives of his left-wing literary contemporaries: The dictator *is* the creation of the masses. They are mutually dependent and cannot exist without each other. As Urania tells herself, "You've come to understand how so many millions of people, crushed by propaganda and lack of information, brutalized by indoctrination and isolation, deprived of free will and even curiosity by fear and the habit of servility and obsequiousness, could worship Trujillo. Not merely fear him but love him, as children eventually love authoritarian parents, convincing themselves that the whippings and beatings are for their own good."

The Marxian notion of false consciousness returns in Vargas Llosa's work with a vengeance. For Urania's insight (which is to say, Vargas Llosa's) is the same that another great novelist who parted company with the Stalinist left, George Orwell, offered in *1984*: The people, the plebes, the folk, the masses are not to be relied upon as the primary and initial source of anti-authoritarian resistance, and indeed may even prove a chief impediment to reform and liberation. Such popular nationalist

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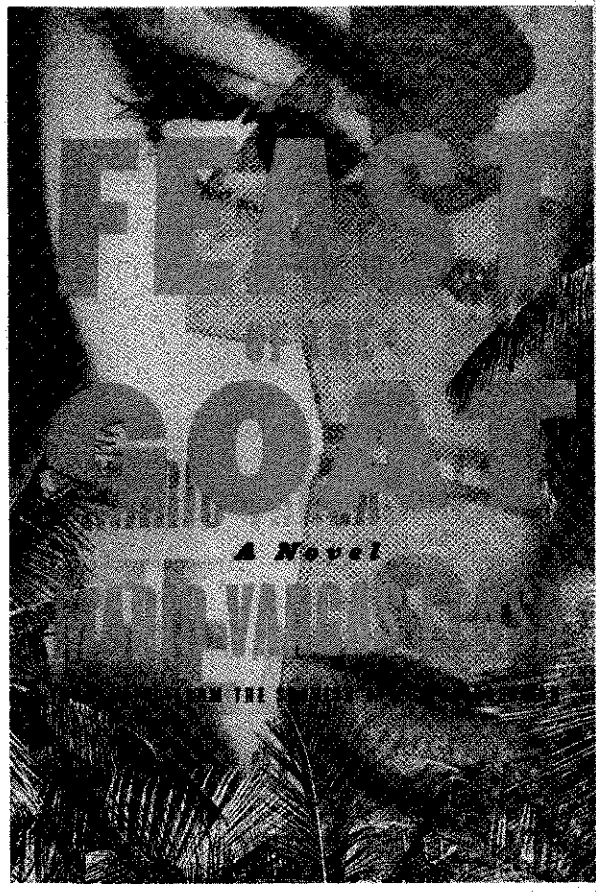
tyrants as Trujillo did not have to rely on sophisticated if pseudoscientific ideologies to establish or maintain their popularity—they needed only to appeal to the tyrannical desires that lurk in the unenlightened souls of all human beings.

But if Urania willingly grants that the masses cannot, without assistance from above, save themselves, the truly disturbing question she poses is why the cultural and political elite of the nation, allegedly the beneficiaries of enlightenment, have proved so utterly complicit in Trujillo's tyranny. "What you've never understood," she tells herself, "is how the best-educated Dominicans, the intellectuals of the country, the lawyers, doctors, engineers, often graduates of very good universities in the United States or Europe, sensitive, cultivated men of experience, wide reading, ideas, presumably possessing a highly developed sense of the ridiculous, men of feeling and scruples, could allow themselves to be...savagely abused."

The reasons that the elite of Dominican society have for cooperating with Trujillo are as numerous and varied as the astounding array of characters who populate *The Feast of the Goat*. Fear, greed, savagery, racism, lust, cowardice, expediency, complacency, indifference, familial attachment, patriotism, ambition, courage, prudence, piety, loyalty, intelligence, idealism—all can be said to motivate one or another character who falls under the spell of the tyrant. Which is to say that Vargas Llosa writes no political tract or treatise but a *novel* in which the motivation of any given character is as unpredictable, idiosyncratic, as *personal* as can be imagined.

To be sure, Trujillo creates a *system* of despotism, a wide net of political, military, financial, and cultural influence that severely constrains resistance to his will. As one of the dictator's would-be assassins (himself a lifelong Trujillista) puts it, "what a perverse system Trujillo created, one in which all Dominicans sooner or later took part as accomplices, a system which only exiles (not always) and the dead could escape. In this country, in one way or another, everyone had been, was, or would be part of the regime."

But what most fundamentally distinguishes Trujillo is not in the end his thorough mastery of Machiavellian politics but rather his uncanny personal magnetism, his unique charisma and seductive charm that more closely resemble sorcery than science. Vargas Llosa's representation of the Dominican tyrant might seem simply fantastic and outlandishly anachronistic, like a Botero portrait of the Devil touched up with epaulettes and dark glasses, were it not that he strikingly resembles a fellow despot, who still plays upon the present political stage. Isolated from the international community, at odds with



ity. In his musical career, if not in other parts of his post-Beatles life, Harrison turned from a seeker who brought new sounds and ideas to his audience to a didact quick to dismiss both indifferent listeners and newer artists. "Grow or die" may be a hoary business maxim, but it's an aesthetic imperative as well.

Who would have predicted such a trajectory? Though never as strong a songwriter as John Lennon or Paul McCartney, Harrison's better Beatles tunes show great range. Still, his real contribution to the group had less to do with composing and more to do with experimentation, sonic and otherwise.

Harrison enriched the band by bringing new sounds into the mix, most famously the sitar, which he used to memorable effect in the song "Norwegian Wood." (To be sure, it's far from clear that the sitar on balance has benefitted rock—skeptics need only point to most other Beatles songs that feature it, not to mention tunes such as the Animals' hilarious "Winds of Change," a droning, semi parlando history of music.)

More important than the Indian instruments was the Eastern mysticism they symbolized. It was Harrison who introduced his bandmates—and their fans—to Hinduism, transcendental meditation, and other exotic elements that helped define the '60s as a liberatory period. Harrison similarly led the way in terms of drug use, particularly »

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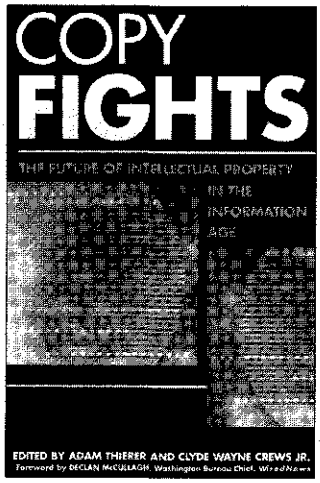

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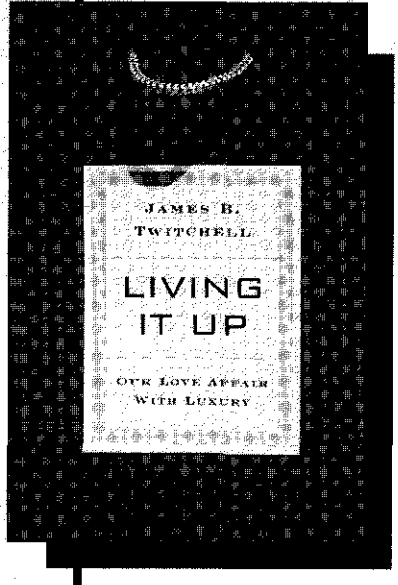

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an increasingly militant Roman Catholic Church, struggling against a hostile U.S. government that sponsors a punishing economic embargo, a septuagenarian with declining physical powers who has governed a once prosperous but increasingly impoverished Latin American island nation for decades, a clever populist nationalist willing to countenance any and all violations of human rights when it suits his purposes, Vargas Llosa's Trujillo seems to have rather more in common with Castro than their ideological differences might lead one to expect.

Vargas Llosa's novel offers two historical "conclusions." One storyline concludes with the restoration of civilian government under President Joaquín Balaguer (one of Trujillo's closest and most trusted aides and a Machiavellian politician of considerable abilities) in the months following the dictator's assassination in 1961. A second plot line ends with Urania's completion of her traumatic return visit to the Dominican Republic in 1996. The era between those two dates witnessed more than three decades of the Cold War, the rise and ongoing fall of the fortunes of Marxism in Latin America, what would appear to be the better part of Castro's despotic rule of Cuba, and the heyday of the Latin American literary boom and its long twilight—a period that saw the flourishing of the Latin American dictator novel.

Vargas Llosa thus returns to the origins of a recent phase of political, cultural, and literary history in order to mark its close. But in so doing, he darkly hints that the end of the Cold War, the fall of international communism, and the rise of neoliberalism may signal not some final end to the

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troubles of Latin America but a return to those difficulties that characterized that region (and much of the rest of the developing world) in the days before the superpower conflict that followed World War II. Indeed, the timeliness of Vargas Llosa's only seemingly belated novel lies in its representation of a dictator—dead for more than 40 years—whose career strikingly anticipates those despotic figures who continue to populate the world stage even after the end of the Cold War.

Vargas Llosa has publicly dismissed the easy consolations of Francis Fukuyama's "end of history," and his most recent fiction suggests that in the figure of Trujillo we spy a dangerous human type that transcends every ideology and historical period. In *el Chivo* the reader may detect not just the visage of a Castro or a Duvalier, but also that of a Saddam Hussein or a Milosevic. What sets *The Feast of the Goat* apart from the other great Latin American dictator novels of García Márquez and Carpentier (works that conclude optimistically and, in good socialist fashion, in anticipation that the age of the tyrant is at last coming to an end) is its chilling sense that the past will continue to haunt both the present and the future.

Significantly, Belaguer's astounding feat of engineering a relatively bloodless transition to democracy is shadowed by an event of which Vargas Llosa makes no mention but of which his (Latin American) readers are expected to remain cognizant. Just a few short years after the Dominican transition to democratic rule, the U.S. once again invaded and occupied the Dominican Republic. Nor does Urania's fate provide much greater solace. She is *forever* marked and deformed by Trujillo's tyranny. As the 39-year-old woman so poignantly puts it, shortly before she departs her fatherland for the final time, "my only man was Trujillo...I'm empty and still full of fear...Papa and His Excellency turned me into a desert."

If Vargas Llosa does not share the apparent naiveté of his former socialist comrades-in-arms about the future of Latin America (and this despite the recent liberalization of many Latin American regimes in the 1980s and '90s), it is perhaps due to his conviction that the region has more than once before experienced the giddiness that comes with a seeming liberation from the weight of historically outmoded despotisms. Having experienced firsthand, as a young writer and intellectual, the elation that followed Castro's sudden rise to influence in the early '60s, Vargas Llosa now refuses to forget that a similar euphoria swept Latin America in the early and mid-19th century following the wars of independence that freed much of the hemisphere from Spanish colonial rule.

It was, after all, out of the spectacular debacle of those liberal revolutions of the 19th century that the grim forerunners of Trujillo first emerged to assume their dark powers in the palaces, prisons, and torture chambers of modern Latin America. Vargas Llosa's grim historical novel should serve as a cautionary tale as much for his more recent neoliberal allies as for his old neo-Marxist critics.

Michael Valdez Moses (mmoses@duke.edu) is an associate professor of English at Duke University, a recent fellow at the National Humanities Center, and the author of The Novel and the Globalization of Culture (Oxford University Press).

"mind-expanding" psychedelics. Indeed, Harrison helped to expand massively the set of cultural resources and identities available in the West. Through his public (if often tedious) spirituality and his key role in the first superstar benefit concert, he also helped redefine the modern pop star as a messiah.

When the Beatles broke up, it was Harrison who scored the first massive solo success, 1970's *All Things Must Pass*, which included the hit, "My Sweet Lord," that would later cause him legal problems. He followed that up a year later with the well-received *The Concert for Bangladesh*, which featured prominent performances by Bob Dylan, Eric Clapton, and Ringo Starr. Then began a long, slow decline in terms of sales, critical acclaim, and relevance.

What changed? Many things, but perhaps none more important than his relationship to his audience, which grew from one of engaging spiritual guide to hectoring high priest. His albums became less adventurous musically and his lyrics became increasingly self-absorbed. 1973's *Living in the Material World* managed to top the charts even as it garnered mixed reviews for bland songs about the Beatles' breakup and holier-than-thou sermonettes about the fallen state of the world.

Touring in support of 1974's muddled *Dark Horse*, Harrison insisted that the Ravi Shankar Orchestra play a long opening set and then lashed out at »

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Misunderstanding Media

We all swim the torrent.

Jesse Walker

Media Unlimited: How the Torrent of Images and Sounds Overwhelms Our Lives, by Todd Gitlin, New York: Metropolitan Books, 260 pages, $25

YOU MAY REMEMBER Joe Clark, an autocratic high school principal who briefly became famous in the late 1980s. Along with the other measures he brought to his school, from a strict dress code to rules regulating how students may walk in the halls, he played popular music over the institution's loudspeakers. Asked in an interview to defend this, he explained that while he didn't care for all the music that was played, it was better than the alternative: kids listening to their own tunes on Walkmans.

Joe Clark does not appear in Todd Gitlin's *Media Unlimited*. His spirit surfaces, though, when Gitlin, a radical student activist turned middle-aged liberal sociologist, discusses the modern "soundscape." There are places, he observes, where music has been engineered to influence an audience that has no choice but to listen to it, usually workers on the job or consumers on the prowl. (Whether such muzak actually works as advertised is a separate issue.) At the same time, "Wired, nomadic individuals play defense against institutionalized auditory control, drowning out the public soundtrack with their own Walkman or Discman." And between the completely public and the completely private, there are private noises that spill into public space. Joe Clark knew about those too: His school banned boomboxes as well as Walkmans.

Put all those sounds together, and you get neither a sonic Panopticon nor a series of free-floating musical bubbles. You get a glorious din—or, in Gitlin's favored phrase, a "torrent."

Gitlin, a professor of journalism and sociology at New York University, has already written several much-cited books about the media, but in this one, he declares, he intends to do something new. Instead of discussing the content, effects, or institutions of the media, he will write about the media as an immense and unavoidable *experience*. The world, he argues, is saturated in an ocean of constantly shifting images and sounds, a condition that has strong historical roots but has lately reached new extremes. The first half of *Media Unlimited* describes that world, and it has three central observations to make. Entertainment, news, advertising, and electronic communication are now 1) everywhere, 2) a lot speedier than they used to be, and 3) aimed more at conveying sensations than at conveying ideas.

Gitlin's argument is not as simple as my summary of it. He goes into considerable detail about just how quick and ubiquitous the media have become, how and why they got that way, and where the exceptions fit in. Some of this, like his description of the public soundscape, is fairly interesting. Some of it, like his efforts to measure the lengths of the sentences in the bestsellers of different decades, is silly. Most of it is plausible, and much of it, unfortunately, is dull. Our media-glutted world is, as Gitlin notes, very weird. But this book doesn't convey that weirdness very well. If anything, it feels excessively familiar.

Or, more exactly, the first half of it does. Gitlin changes course midway through *Media Unlimited*, identifying eight strategies people use to navigate the constant torrent of sights and sounds: those of the fan, the critic, the paranoid, the exhibitionist, the ironist, the jammer, the secessionist,

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and the abolitionist. These, he stresses, are ideal types, not cleanly segregated categories, and most of us probably fit into two or more of them.

The fan selects the portions of the torrent that he likes, attaching himself to them and to other fans who have made the same attachments. The critic selects the portions that she *dislikes* and credits them with terrible social effects. The paranoid takes this further, adopting "the folk mystique that They are programming Us."

The exhibitionist responds to the torrent by joining it. The ironist

A complex civilization is nothing but clutter: a tangled mess of overlapping, competing, and utterly unrelated subjects, objects, and relationships.

enjoys the spectacle without taking it seriously; he is a "more playful and less suspicious" version of the man who, in the sociologist David Riesman's words, wants "never to be taken in by any person, cause or event." The jammer attempts to reconfigure the torrent from below, prankishly altering public images to make a point. The secessionist attempts to withdraw from the media storm. And the abolitionist wants to wipe it out.

Gitlin's descriptions of these social types are perceptive and witty. The critic, for example, is dissected with sympathy but no mercy: "In particular, political critics, convinced that the media are rigged against them, are often blind to other substantial reasons why their causes are unpersuasive. Is there not the unspoken correlate that if only we, the righteous and smart, could man the gates, then it would be *our* version of true facts and correct ideas that would flood the popular mind, and we would prevail?"

So it's an enjoyable discussion, filled with interesting observations. But something else is going on, and it undercuts the author's stated purpose. As he describes these strategies for navigating the media, Gitlin makes a point of noting the ways the media have in turn coopted each one. Fans and exhibitionists, of course, intend to join the torrent—as, in a different way, do the jammers. But others also have been absorbed: Films such as *Pleasantville* reflect the critic's point of view, while *The Matrix* presents the paranoid's. Meanwhile, most who would withdraw from the media secede only in part, picking and choosing the elements they want to avoid—making the secessionist, in the end, not so different from the fan.

Irony, too, has become a strategy for media producers as well as media consumers. Citing David Letterman and *Saturday Night Live* (a younger writer might have pointed to Jon Stewart and *The Simpsons*), Gitlin concludes, "Thus is knowingness, which began as a defense against the clutter that is the sum of all the image makers' attempts to break through the clutter composed of all the other attempts, itself a style that clutters the media stream."

What an odd thing to say. Despite its alarmist subtitle—"How the Torrent of Images and Sounds Overwhelms Our Lives"—Gitlin's book is not a jeremiad: He displays no desire to roll back the clock to a romanticized past, and he understands that such a reversion would be impossible anyway. But here he seems to regard the media as a monolith one resists rather than a context one adapts to. Worse, he apparently assumes the people he is writing about see it that way as well, even when that's far from obvious. Must irony inevitably begin as a "defense" against clutter, or do the ironists—presumably hip to this sort of paradox—see themselves as a part of the storm? For that matter, does it negate the paranoid's outlook if he sees his fears enacted on the big screen, or does that just »

bored audiences and weak notices. Before one of the concerts, Shapiro writes, Harrison ranted, "You know, I didn't force...anybody at gunpoint to come and see me....And I don't care if nobody comes to see me. I don't give a shit."

There would be later musical successes, most notably 1987's *Cloud Nine*. But by then, Harrison's output had been indifferent and erratic for long enough that he was viewed more as a nostalgia act than as a thriving artist, a sentiment furthered by his participation in the high-end novelty group the Traveling Wilburys and various Beatle-related projects. In a 1997 interview with *Le Figaro*, Harrison haughtily dismissed two popular, Beatles-influenced bands. Oasis, he sniffed, was "not very interesting"; its music was "nice if you're 14 years old." He pointedly asked, "Will anyone remember U2 in 30 years?"

In such moments, Harrison sounded just like the sort of old fart who had all those years ago declaimed the Fab Four as a passing fancy. He seemed both threatened by and hostile toward the world around him, feelings that had worked to undermine his solo offerings. The man who had once sung "all things must pass" might have been writing his own musical obituary. ■

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Flaws of Genius

Is art sullied by technology?

Charles Paul Freund

Thomas Eakins (1844–1916) has long been regarded as the outstanding American painter of the 19th century; his dramatically lit portraits have even given him a reputation as the American Rembrandt. So in the 1990s, when researchers started surmising that Eakins had sometimes made use of photographic images, there was a sense of foreboding among art historians. Two years ago, when ever-closer examination of Eakins' paintings made it undeniable that he actually "traced" photographic images projected onto his canvases, there was disbelief. One Eakins scholar, on hearing the evidence, literally put his hands over his ears. Our Rembrandt...a tracer?

But wait: Rembrandt—the Dutch one—may have done some tracing himself. The true link between technology and art, regarded in modern times as something shameful, is becoming increasingly apparent, and the evidence suggests that artists' dependence on machines has been not only extensive but long-lived, going back centuries.

A major Eakins show—the first in two decades—is spending the summer at New York's Metropolitan Museum of Art (it moved there from Philadelphia), and scores of the recently discovered photographs that Eakins used in creating his paintings are on display with the canvases. Eakins would not have liked this; he was reticent about his use of photography, and his wife was downright misleading when she spoke of her husband's attitude toward photos. In the end, however, what Eakins did with the photos was a laborious version of what many digital artists are doing today. Eakins didn't merely create painted versions of photographs. Using a "magic lantern" to project a series of disparate images on a single canvas, he made composites. The final painterly conception is entirely his own, and is apparently what drove his creation of the photos in the first place. For example, Eakins' 1880 work, *The Fairman Rogers Four-in-Hand* (below), was famous for its accurate portrayal of horses in motion, based on Eakins' photo studies; now it turns out that the coach's passengers are based on a photo, too.

Until the Eakins story broke, most of the controversy over the use of technology in painting centered around the 17th-century Dutch artist Jan Vermeer. There has long been speculation that Vermeer made use of a camera obscura, an enclosed device that allowed a detailed image of the world to be projected through a lens onto an inner wall.

Vermeer is today a blockbuster artist, inspiring not merely big shows but even popular novels (e.g., *Girl With a Pearl Earring*). Yet for long after his death he remained obscure. In fact, his "rediscovery" coincides with the rise of photography. As the British art academic Philip Steadman argues in last year's elegant study *Vermeer's Camera*, that was no accident. Steadman demonstrates beyond a reasonable doubt that Vermeer's world is not one we see with our eyes but one we see through a lens. Indeed, a major Vermeer show last year in New York devoted a room to the optical devices to which Vermeer and other 17th-century painters had recourse.

When might painters have started using optical devices to aid them in their work? Leonardo Da Vinci was familiar with the camera obscura; in the 15th century, the architect Filipo Brunelleschi pioneered vanishing-point perspective, while Jan van Eyck clearly understood mirrors and lenses and almost certainly used them.

The Contemporary Portrait Painter

David Hockney thinks that optics began to influence painterly representation as early as 1350. The most common tool, he argues, was long the camera lucida, a small device that threw an image from life directly

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onto a canvas. Painters were secretive about such aids, he argues, because they were trade secrets. Hockney's heavily illustrated recent book, *Secret Knowledge: Rediscovering the Lost Techniques of the Old Masters*, lays out the evidence he has accumulated thus far: lens-based lighting effects; a revolution in dimensionality and foreshortening; nearly impossible detail; and, most suggestive of all, errors that can have resulted only from the limitations of the devices he thinks were employed. He's gotten to the point where he divides paintings into "Lens" or "No-lens." (It's Hockney who thinks that Rembrandt might have used an aid.)

Hockney's project is extremely controversial. In fact, the researchers who deduced Eakins' use of photos chose not to tell Hockney because they didn't want their discovery to become mired in the argument over Hockney's assertions.

The problem is that Hockney seems to be challenging an entire art worldview devoted to celebrating "genius," long sold as a spiritual quality unsullied by the material world. For some, the use of optical aids compromises genius, and art with it.

But Hockney isn't undermining art. He is demonstrating the necessarily material dimension of culture. Art exploded in Europe's most commercial Italian and Dutch cities from the 15th to the 17th centuries because trade and wealth expanded not only patronage but science. Genius, it turns out, is a human quality, drawing on the world and expanding with it. The evidence is on every gallery wall, and it becomes more visible each year.

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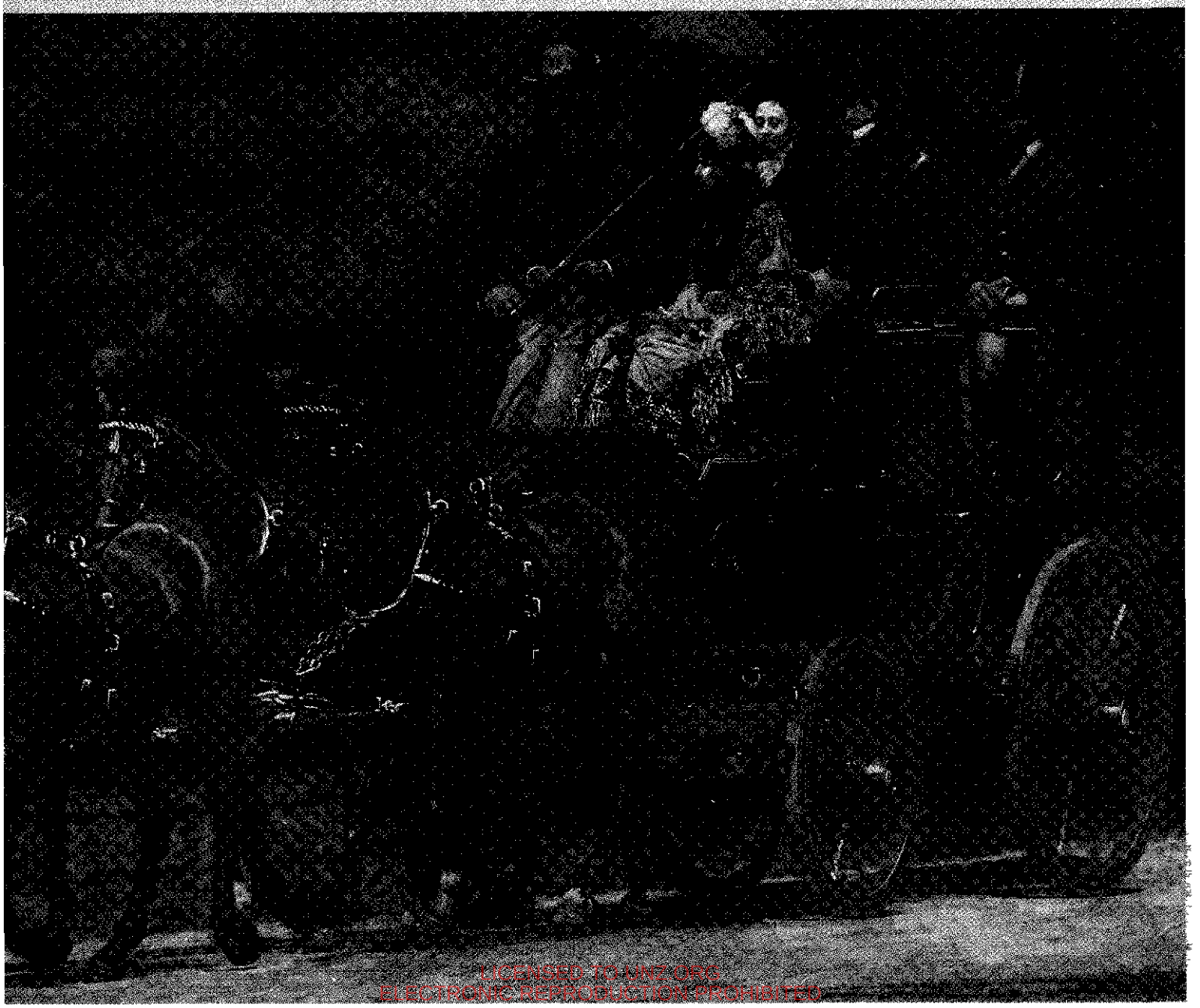

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inspire him further? And if secessionists hypocritically enjoy their favorite media as much as the rest of us do, does that mean the media have overwhelmed them? Or have they simply found an agreeable niche in the mediasphere?

The trouble here is Gitlin's notion of a media "torrent." The word suggests a force outside us, something from which we should seek shelter. But Gitlin has been describing the media in the largest sense. It includes not just TV networks and Hollywood studios but Web sites, e-mail, telephones. We all participate in it, and not just as consumers. It's not a thing that's outside us. It's not a *thing* at all. It's a process, and we're a part of it.

So why is it a problem if our reactions to the media themselves add to the "clutter"? A complex civilization is nothing *but* clutter: a tangled mess of overlapping, competing, and utterly unrelated subjects, objects, and relationships. Seen from the ground, some of this doesn't look like clutter at all: One man's world is my background noise, and vice versa. In his effort to describe the media in their totality, Gitlin sometimes can't see the trees for the forest.

Other times, he wanders out of the forest altogether, especially when he forgets the book's purpose and slips into writing about the media's content after all. "Since conservatives tend to be more Manichean than liberals, and more zealous about their politics," he declares, "conservatives play better on the air, and so, for commercial reasons, television and talk radio will be disproportionately right-wing." Such gross generalizations undermine themselves: For evidence that the left can be just as Manichean as the right, one need look no further than that very quote.

A final question: Why is this book packaged as something it clearly is not intended to be? I've already mentioned its dire subtitle. Its even more frantic jacket advertises a polemic about "distraction and inattention," "celebrity cults, paranoia, and irony," "disposable emotions and casual commitments," and how "the media torrent...threatens to make democracy a sideshow."

The answer, I suppose, is that the publisher feels there is more of a market for that sort of book than for the one Gitlin has actually written. The country is filled with people who fret that political declarations have been gradually compressed into seven-second soundbites without stopping to consider whether the longer versions had much content either; people who wail about the ways the media distract us without asking, with Gitlin, "Distraction from what?"; and people who view the media as an evil monolith, rather than a mixture of good elements, bad elements, and themselves.

Our illusions about the media are almost as interesting as the media themselves. Not that that's surprising—after all, they're part of the media too. ▪

Associate Editor Jesse Walker (jwalker@reason.com) is the author of Rebels on the Air: An Alternative History of Radio in America (NYU Press).

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Knave of Tarts

Cooler coffee for $3 million and other lawyer bargains

Michael McMenamin

Why Lawsuits Are Good for America: Disciplined Democracy, Big Business, and the Common Law, by Carl T. Bogus, New York: NYU Press, 272 pages, $34.95

"WHAT'S GOOD FOR the country is good for General Motors," Charles Wilson, a former chairman of G.M. and secretary of defense, once said. He added famously that "what's good for General Motors is good for the country." In *Why Lawsuits Are Good for America*, Carl Bogus, a professor at Rhode Island's Roger Williams University School of Law, says the same thing about lawyers.

A prominent opponent of tort reform, Bogus believes the current tort system is just fine. Horror stories from tort reformers about excessive jury verdicts are no more than corporate whining, he argues. What's more, eye-bulging awards simply represent the continued evolution of the common law as it adapts itself to changing times.

Judging from the complete failure of tort reform legislation at the national level, Bogus speaks for a special interest group that is politically more powerful than tort reformers: well-heeled plaintiffs' lawyers. They want the public to believe that the tort system that has evolved over the past 20 to 30 years—to the detriment of almost everyone but them—is fueled neither by their own greed nor by the greed of their clients. The Bogus spin on this theme is that the tort system is *not* about compensation at all. Really. See, if the tort system is not about compensation, then greed has nothing to do with how tort law has evolved.

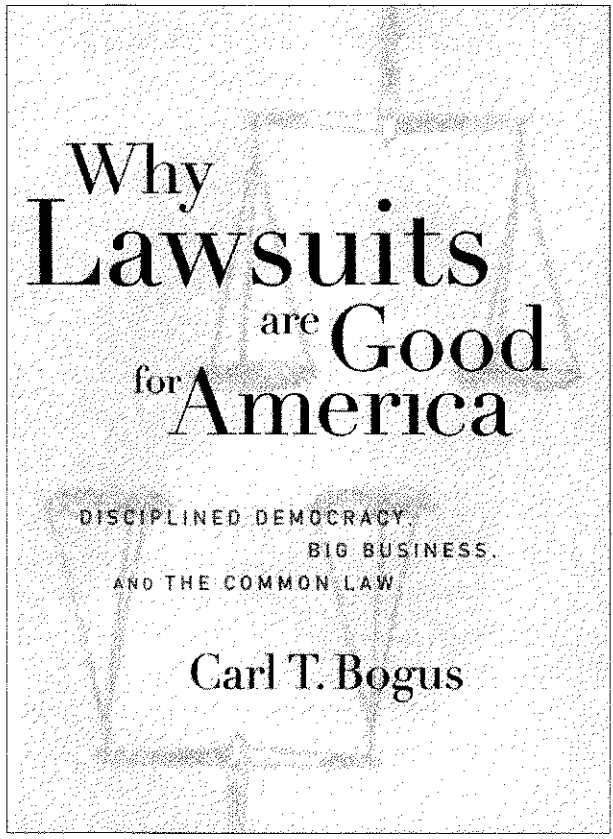
This is a radical concept. Most people think the purpose of the tort system is precisely to provide compensation to individuals injured by the negligence of others. But Bogus has seen through this veil: "It is often said that the twin objectives of the tort system are compensation and deterrence. This book reflects a different view....If compensation were, in fact, one of its objectives, *the system would make need a determining factor in whether it would give parties recoveries*; but that is not the case....My thesis [is] that we should think of the tort system more as a regulatory than a compensation system....While [government] agencies must, admittedly, be the primary instruments of regulation, I argue that they cannot do the job alone....The people, after listening to evidence and reasoned arguments, work their will in the jury box as well." (Emphasis added.)

Got that? Tort law can't be about compensation for harm negligently inflicted because "need" (rather than negligence and injury) is not the "determining factor." If you can understand that, and if you agree with it, you should have no trouble with the Bogus thesis of juries as adjunct regulatory bodies rather than managers of lotteries in which a lucky few hit it big.

In the Bogus world, plaintiffs' lawyers have protected the public from "Corporate America" where the government has abysmally failed. Is there any evidence to support this contention?

In his 1995 book *Simple Rules for a Complex World*, legal scholar Richard Epstein notes that there are no studies that establish any correlation between the level of litigation and the level of product safety. He suggests that technology and wealth, not product liability suits, have made homes, workplaces, and roads safer than ever before. In other areas, Epstein writes, "the accident rate has *risen* just as the number of lawsuits has intensified: injuries requiring emergency room care were up for such products as playground equipment, ladders, power lawn mowers, swimming pools, and chain-saws, often by as much as 100 percent, even in the face of general technological advances."

Bogus knows better. Remember that lawsuit in which a woman initially won



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a $2.9 million jury verdict against McDonald's for burns she suffered after purchasing coffee at a drive-through window, unwisely placing the hot beverage between her legs, and removing the cover? Well, Bogus did some "field research" to prove that this jury verdict in fact resulted in product improvement. It wasn't easy. "For this book," he writes, "I wrote to several of the national fast-food restaurant chains to find whether they had reformulated their hot beverages as a result of the McDonald's case. Most ignored my letters. Burger King sent a vaguely threatening reply declining to furnish any information but stating I had better be sure whatever I said about Burger King was accurate."

Do you suppose the reason Epstein couldn't find studies showing a correlation between the level of litigation and the level of product safety was that Corporate America was stonewalling researchers? If so, Corporate America has met its match in Carl Bogus.

Here's what happened next: "I then dispatched my research assistant to eight local McDonald's, Burger King, Dunkin' Donuts, and Wendy's restaurants, armed with a candy thermometer and instructions to purchase cups of coffee and hot chocolate and measure their temperature immediately on receipt. He found that no beverage was hotter than 157 degrees Fahrenheit. Moreover, the hot chocolate at Burger King and Dunkin' Donuts was seven to nine degrees cooler than their coffee. The McDonald's case may still provide ammunition for tort reformers and late-night talk show hosts, but it may well have saved many people—children especially—from serious injury."

In Epstein's defense, he didn't have the benefit of the Bogus field research when he published *Simple Rules*. No doubt a revision will be made in subsequent editions.

Bogus claims the asbestos issue as another victory for plaintiffs' lawyers in protecting the public. After recounting what he describes as the Environmental Protection Agency's unsuccessful efforts to ban asbestos in the 1980s, Bogus writes: "Fortunately, the common law saved the day. Lawyers began filing product liability actions against asbestos manufacturers in 1964, and the more than two hundred thousand cases that have been filed on behalf of workers and others with asbestosis, lung cancer, and mesothelioma have effectively driven asbestos from the market."

Not exactly. Bogus leaves an uninformed reader with the distinct impression that the only government agency involved with asbestos was the EPA; that the EPA didn't begin "to explore ways to reduce exposure to asbestos" until 1979; that it spent 10 years after that coming up with a rule limiting exposure to asbestos; that in 1991 the U.S. Court of Appeals for the 5th Circuit overturned the EPA's rule because the courts had been packed by Reagan with judges who shared his abhorrent "commitment to libertarianism"; that the EPA, "exhausted from a twelve-year process" that came to naught, simply "gave up" and left workers unprotected; and that, but for America's trial lawyers, workers would still be sucking asbestos dust into their lungs on a daily basis.

Bogus doesn't tell you that the Occupational Safety and Health Administration first established and began to enforce strict limits on

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Are We *Addicted* To Drug War Money?

Government Agencies — Virtually every part of the federal government gets a piece of the $20 billion annual drug war budget.[1]

Prison Industry — The US spends $50 billion annually on prisons. One-quarter of prisoners are drug offenders.[2]

Treatment Industry — US Courts force more than 200,000 a year into drug treatment. 37% of all drug treatment admissions are mandated by the courts. 57.1% of marijuana treatment admissions are court mandated.[3]

Testing Industry — The $5.9 billion dollar drug testing industry should be replaced with impairment testing. Discovering marijuana use a week ago is as irrelevant as finding beer drinking a week ago.[4]

Pharmaceuticals — Profits are protected from medical marijuana competition.

Alcoholic Beverages — Profits protected from social marijuana competition.

Banks — Banks process billions in drug money. When asked in court how a major bank reacted to his arriving at the airport with $20 million in small bills, the courier responded: "They sent a limousine."

Military Suppliers and Contractors — Manufacturers of herbicides, helicopters and military contractors (mercenaries) profit from the $2 billion spent annually on foreign interventions in the name of the War on Drugs.[5]

Drug trafficking represents eight percent of the world's trade, an untaxed and unregulated $400 billion annually.[6]

Kevin B. Zeese, President, Common Sense for Drug Policy
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[1] National Drug Control Strategy, Office of National Drug Control Policy, February 2002, pgs 29-31 reports a $19,179.7 billion budget for FY 2003. Some costs are not included, e.g. the cost of military personnel fighting the drug war.
[2] Gifford, Sidra Lea, US Department of Justice, Bureau of Justice Statistics, Justice Expenditure and Employment in the United States, 1999 (Washington, DC: US Department of Justice, February 2002), Table 3, p. 4; Beck, et al., US Department of Justice, Bureau of Justice Statistics Prisoners in 2000 (Washington DC: US Department of Justice, August 2001), p. 1-2.
[3] "Admissions by primary substance of abuse, according to treatment characteristics: TEDS 1999," Office of Applied Studies, SAMSHA, Treatment Episodes Data Set (TEDS), October 2001, Tables 3,4 & 8.
[4] "The American Way," Marianno Costantinou, San Francisco Chronicle, August 12, 2001 citing Standard and Poor's.
[5] "National Drug Control Strategy, Office of National Drug Control Policy, February 2002, pgs. 29-31 reports $1,894.00 spent by DoD and Department of State on the drug war. Some funds for intelligence, INTERPOL, ONDCP and the Drug Enforcement Administration are used internationally.
[6] United Nations Office for Drug Control and Crime Prevention, Economic and Social Consequences of Drug Abuse and Illicit Trafficking (New York, NY: UNODCCP, 1998), p. 3.

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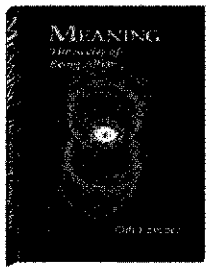

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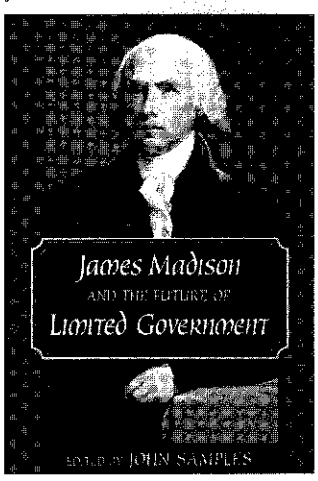

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Edited by John Samples

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asbestos exposure in the workplace in 1971. Serious asbestosis, over the course of the next 20 years, became what the 1994 edition of *Occupational Lung Disorders* termed "a disappearing disease." The Bogus claim notwithstanding, plaintiffs' lawyers didn't have much to do with it. In fact, many plaintiffs' lawyers today are doing their best to make sure those employees with serious medical conditions caused by exposure to asbestos dust, such as mesothelioma and other cancers, won't receive any compensation.

That's a current target for tort reformers that Bogus remains silent about. As Roger Parloff reported in the March 4 issue of *Fortune*, plaintiffs' lawyers have filed hundreds of thousands of new asbestos cases in the past three years on behalf of relatively unimpaired clients with no malignant conditions. On April 1, the U.S. Supreme Court agreed to hear one in which a West Virginia jury had awarded $5.8 million in damages, including compensation for emotional distress arising from the fear of sometime in the future developing asbestos-related cancer, notwithstanding the absence of any objective medical corroboration of that fear.

Parloff explains that the consequences of such suits for those few who have been stricken with asbestos-related cancer is a dwindling number of solvent manufacturers able to pay any adverse verdicts. Fifty-five asbestos defendants have filed for bankruptcy since 1979, 16 in the last two years alone. The sheer greed of tort lawyers who represent unimpaired clients has driven asbestos lawyers who represent only very sick plaintiffs to support tort reform designed to curb this abuse—if only

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to make sure there are some solvent defendants left standing at the end of the day. Parloff writes that such tort reform legislation would require plaintiffs to prove actual injury based on objective medical criteria before they could sue. It would also require them to file their suits where they lived or where they were exposed to asbestos, a provision that would discourage forum shopping.

It's difficult to imagine writing a book touting tort law as a regulatory regime and opposing all tort reform while avoiding any reference to the organized plaintiffs' bar, the American Trial Lawyers Association (ATLA), especially when you're constantly bashing the less politically influential American Tort Reform Association. But Bogus has done it. Not to mention (which Bogus doesn't) the astounding growth in class action litigation that has made many ATLA members wealthy and, in the process, the single biggest benefactor of the Democratic Party, surpassing even organized labor.

The only plaintiffs' lawyers Bogus writes about as a group are those poor souls who early on sued evil tobacco companies that vengefully "pursued a deliberate strategy of litigating so fiercely as to drive plaintiffs' attorneys into bankruptcy." You won't find out from Bogus that Democratic Party committees in 2000 received $11.6 million in contributions from well-off trial lawyers and their lobbyists, eclipsing the $11.3 million the Democrats received from labor unions.

Where did all this trial lawyer political money come from? That's something else Bogus doesn't mention: huge attorneys' fees from class actions typically filed in state courts. Curbing class action abuse is one of the hottest areas of tort reform, but Bogus doesn't mention that either. So you don't learn from Bogus why class action reform would be bad for America.

Here's how one federal appellate judge, John Nangle, described the current class action problem in a concurring opinion he filed as part of a recent decision that reluctantly sent a large interstate class action back to state court. "Plaintiffs' attorneys," he wrote, "are increasingly filing nationwide class actions in various state courts, carefully crafting language... to avoid...the federal courts. Existing federal precedent [permits] this practice..., although most of these cases...will be disposed of through 'coupon' or 'paper' settlements...virtually always accompanied by munificent grants of or requests for attorneys' fees for class counsel....[T]he present [jurisdictional] case law does not...accommodate the reality of modern class action litigation and settlements."

You would think that Bogus, as someone whose thesis is that tort law should be viewed as an adjunct regulatory system, would be eager to tell us about the selfless efforts of the plaintiffs' class action bar over the past decade to establish nationwide standards using the juries of Madison County, a small rural area in southwest Illinois. The largest towns in Madison County are Granite City (31,301) and Alton (30,496). Yet it is a mecca for lawyers far and wide. As a recent Manhattan Institute report by John Beisner and Jessica Miller notes, "of the 66 plaintiffs' firms that were listed on the Madison County case files, 56 (or 85 percent) listed office addresses outside Madison County. These attorneys reside and practice in far-flung locations, such as New Orleans, Louisiana; Lexington, Mississippi; Washington, D.C.; Houston, Texas; San Francisco, California; and Mobile, Alabama."

As Beisner and Miller report, 70 class actions were filed in Madison County between 1990 and 2000, a 1,850 percent increase over the previous decade. These lawsuits, all with national implications, dealt with issues such as automobile repair (30 million consumers); telephone bills (20 million consumers); cell phone connections (10.8 million consumers); clogged drains (consumers in 31 states); auto insurance (4.7 million consumers in 48 states); Barbie dolls ("thousands" throughout the country); cable late fees (7 million consumers in 40 states); fiber optic trespassing (millions of property holders nationwide). That the juries of Madison County should be establishing national standards in all these industries is a bad joke.

Do plaintiffs' lawyers protect the public from "Corporate America" where the government has abysmally failed?

Most lawyers outside of the ATLA agree that federal courts are better equipped than state courts to handle national class actions in a competent and consistent manner. Proposed tort reform legislation, supported by the Bush administration, would amend current law to permit any defendant to transfer a large, multistate class action from a state court to federal court when 1) at least one plaintiff and one defendant are from different states and 2) the

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total amount in controversy is at least $2 million. (Current law bars federal courts from hearing class actions where any of the named plaintiffs and named defendants are from the same state and requires that each proposed class member have a claim exceeding $75,000.) The proposed reform also would require federal judges to scrutinize settlements where coupons are offered instead of monetary damages; where plaintiffs suffer a net loss; and where named plaintiffs receive larger recoveries than other class members. In addition, class action settlement notices would have to be written in "plain English," a foreign language to most lawyers.

As you can tell, Bogus doesn't trust Corporate America. Nor does he

Bogus doesn't trust free markets and he sets up a straw man to explain why.

trust free markets, and he doesn't much like libertarians either. He sets up this straw man to explain why: "The libertarian view is: let the free market reign. If consumers want style rather than safety, let them have it. It should not be government's role to force people to buy what they do not want. The market decides whether cars have contiguous frames, shatterproof windshields, protected gas tanks, air bags or seatbelts, and what the height of SUV bumpers ought to be. But of course, it is more complicated than that."

Considerably more complicated. As Richard Epstein explains in *Simple Rules*, "the American experience with product liability law turned bad when judges and legislators lost faith in the ability of consumers to deal competently with the mix and quality of ordinary products. No longer is it sufficient to provide a consumer with enough information about a product to decide whether or how to use it, or indeed whether to inquire further before making that decision. There has been no acknowledgment of the mistaken assumptions on which the modern edifice rests. Instead of seeking to supply information, product liability law, with legislative support, still seeks to govern production, but always after the fact and in a standardless way. In its former role, the law aided the operation of the market by helping market actors make informed decisions. In its modern incarnation, the law has powerful antimarket origins and consequences. The rules are designed to override consumer preferences and to allow judges and juries to assume the role of design and warning experts. They have not been good at their job; nor could we expect them to be."

The Bogus hostility to libertarians manifests itself in other ways as well. He contends GOP senators engaged in "loathsome...racial politics" by opposing two black Clinton nominees to the U.S. Court of Appeals for the 4th Circuit. As sole proof for this ugly charge, Bogus tells us that Judiciary Committee Chairman Orrin Hatch "did not even schedule confirmation hearings" for the two nominees.

Imagine that. I'll bet that doesn't happen now that the Democrats are in charge of the Senate. Oh, wait. In May 2001, Bush sent the Senate 11 nominees for federal appellate courts; over a year later the Democrats still hadn't scheduled hearings for eight of them. One of them is Hispanic heavyweight Miguel Estrada, nominated for the prestigious D.C. Circuit and thought to be on Bush's short list for the first Supreme Court vacancy. Do you suppose Bogus would find the anti-Hispanic politics here to be as "loathsome"?

Anyway, Bogus claims that as a consequence of the Republicans' racial politics, libertarians were the winners because "Clinton had to compromise to move nominees through the Senate. In short, Clinton ...did little to temper the *laissez-faire*, libertarian, anti-regulatory disposition of the federal courts."

Speaking of federal judges and libertarians, here's Bogus taking on the federal appellate court judge Richard Posner and the legal school he helped pioneer: "Law-and-economics emerges not merely as a field of knowledge but as a system of belief. It has its own values, and like all creeds it seeks to have its values prevail over competing values. Suffice it to say that (1) the tradition of the common law, and especially American common law, is pragmatism; (2) the antithesis of pragmatism is dogmatism; and (3) whatever truths it may or may not have discovered, law-and-economics is dogma."

Apparently, a statist is a pragmatist because he calls for control over choice and believes product safety is best provided by government micro-regulation backed up by a horde of tort lawyers. A libertarian is a dogmatist because he believes devolved decision making by manufacturers and consumers leads to a more free, efficient, and safe society. After the empirical evidence from the Bogus field research on coffee temperatures, who could argue with that? ■

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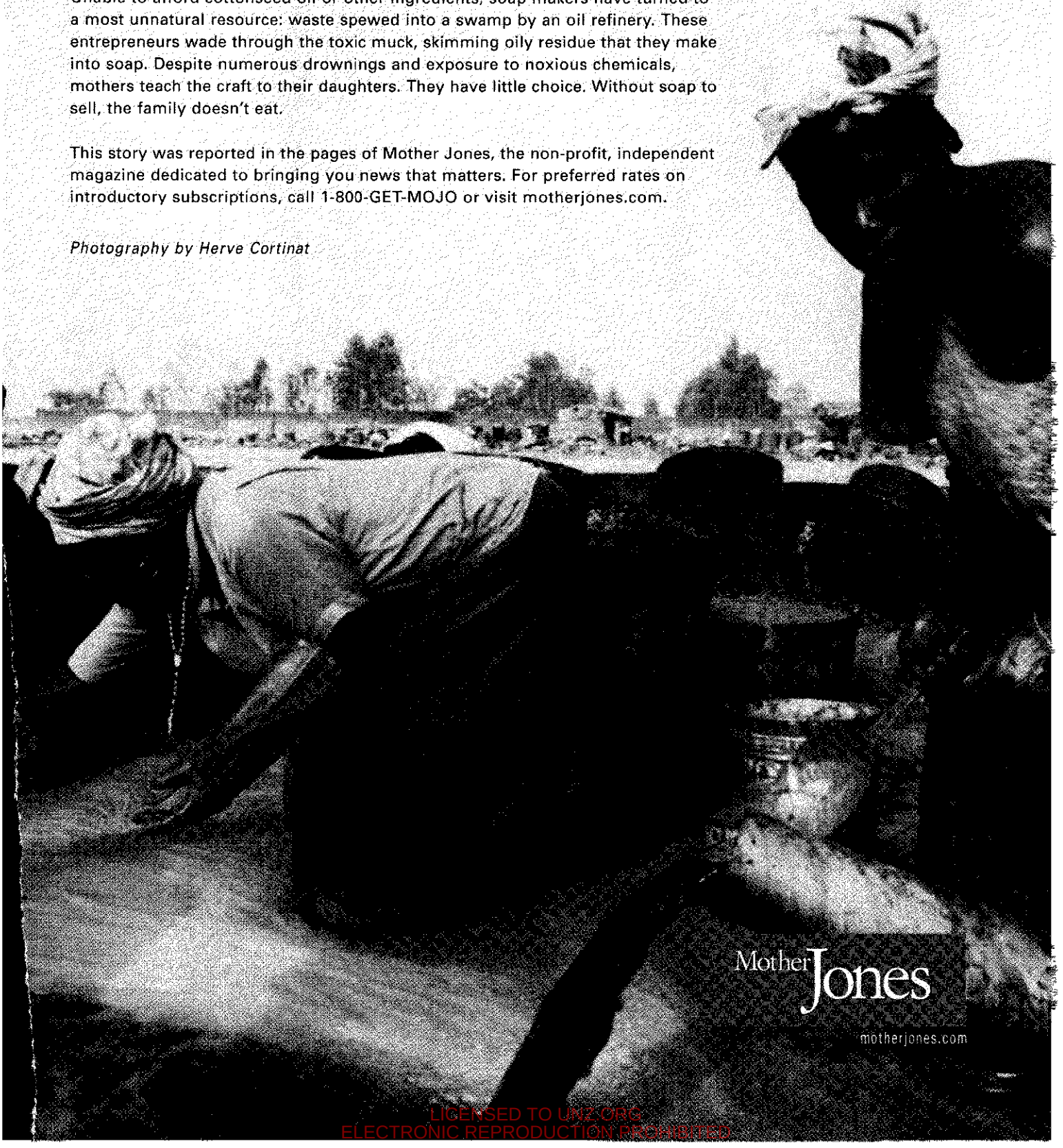
WHILE MAINSTREAM NEWS WAS BUSY COVERING "SURVIVOR" THE TV SHOW, THE WOMEN OF BURKINA FASO WERE PLAYING IT FOR REAL.

With celebrity fluff and infotainment often masquerading as "news," you're less likely to hear about desperate places like Burkina Faso, a West African nation where more than 50% of the people live in poverty.

Unable to afford cottonseed oil or other ingredients, soap makers have turned to a most unnatural resource: waste spewed into a swamp by an oil refinery. These entrepreneurs wade through the toxic muck, skimming oily residue that they make into soap. Despite numerous drownings and exposure to noxious chemicals, mothers teach the craft to their daughters. They have little choice. Without soap to sell, the family doesn't eat.

This story was reported in the pages of Mother Jones, the non-profit, independent magazine dedicated to bringing you news that matters. For preferred rates on introductory subscriptions, call 1-800-GET-MOJO or visit motherjones.com.

Photography by Herve Cortinat



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AP / Wide World Photos

Dolled Up

Authoritarian regimes play make-believe.

Charles Paul Freund

HER NAME IS Sara, and she's the new "national doll" of Iran. Developed by Iran's Institute for the Intellectual Development of Children and Young Adults, Sara promotes "traditional values." More to the point, she's intended to displace Barbie. As Sara was being introduced earlier this year, the popular American doll was banned.

Barbie's a danger, the regime believes, because she's un-Iranian. Among other things, she dresses immodestly, drinks alcohol, and has a close relationship with a man (Ken) who isn't her husband. She is, in short, an invitation to Western wantonness. As one Teheran toy dealer said, "I think every Barbie doll is more harmful than an American missile." Sara, in contrast, is a modest little girl with a brother (Dara) instead of a boyfriend. The Arab League is currently developing "Leila" as a similar alternative to Barbie.

The notion of an enforced "national doll" is rather like the old enforced Soviet rock scene; it accepts a consumerist model of culture while assuming it can control consumer desire. But while little girls can make their dolls dress and act as they please, regimes can't do the same with their citizens. That's a make-believe game they've never been able to win. ©

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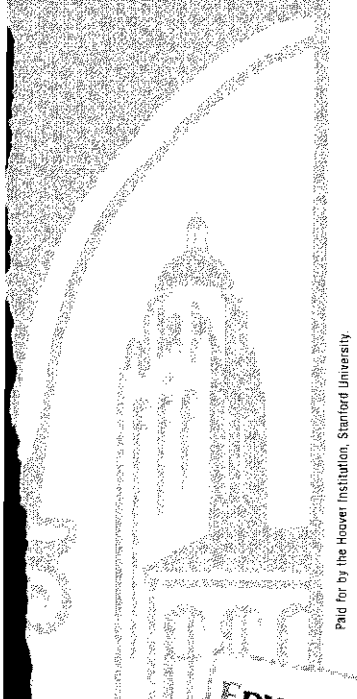
Philadelphia Freedom

John E. Chubb is chief education officer, Edison Schools; distinguished visiting fellow, Hoover Institution; and member, Hoover's Koret Task Force on K–12 Education.



Paid for by the Hoover Institution, Stanford University

Philadelphia, where America's founders gathered to declare independence and defend liberty, has struck another blow for freedom—and one that could be nearly as historic. This spring Philadelphia's School Reform Commission (SRC) voted to privatize up to 75 of the city's 240 schools. The management of many of Philadelphia's worst-performing schools is to be turned over to seven not-for-profit or for-profit organizations—including the University of Pennsylvania, Temple University, Edison Schools, and Chancellor-Beacon Schools.

Although other cities have contracted with outside organizations for the management of schools, and many cities, including Philadelphia, have allowed independent charter schools to provide a measure of choice in public education, **no city has come close to Philadelphia in "freeing up" the supply of public schools.** This fall more than a quarter of the 200,000-plus students in Philadelphia will be served by public schools not under the district's direct control.

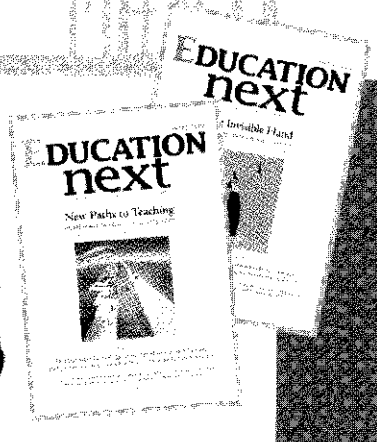
The importance of Philadelphia's decision cannot be overstated. Philadelphia has struggled to educate its young people. Roughly 60 percent of Philadelphia's students failed the state's reading and math exams, and more than a third dropped out of high school. Three-fourths of the city's schools are identified as low performing, meaning that more than half of a given school's students are failing. Efforts to improve the schools have yielded minimal progress. These statistics are not unique to Philadelphia. Every city in America is grappling with the same problems to some degree.

What is unique to Philadelphia is the response. In December 2001, the governor of Pennsylvania and the mayor of Philadelphia agreed to an increase in state funding for Philadelphia's schools and to transfer control of the school district from the local board of education to the SRC. That agreement also outlined plans to privatize a large number of the city's lowest-performing schools. The boldness of this lies not so much in the takeover of the district by the state—states have done this with schools numerous times—but in the takeover of school management by entities other than the state or the district.

During the past decade policymakers became persuaded that schools in general, and particularly schools in large urban systems, will not improve substantially until they are subjected to the pressures of competition. Policymakers recognize that they will never satisfactorily mandate school improvement from above; the school practices that need to change are too numerous and complex to legislate. Competition offers a mechanism that has worked virtually everywhere except education to promote improvements in quality and efficiency.

Competition has not worked in education because it has never really been tried. For the past 150 years public education has been provided by school districts with the exclusive right to operate public schools within their jurisdiction. In recent years policymakers have chipped away at this exclusive right with charter schools and voucher programs. But the Philadelphia story is different—its privatization initiative is large scale. Therein lies a historic opportunity to set a new course for America's public schools and to provide new hope for America's urban youth.

— John E. Chubb



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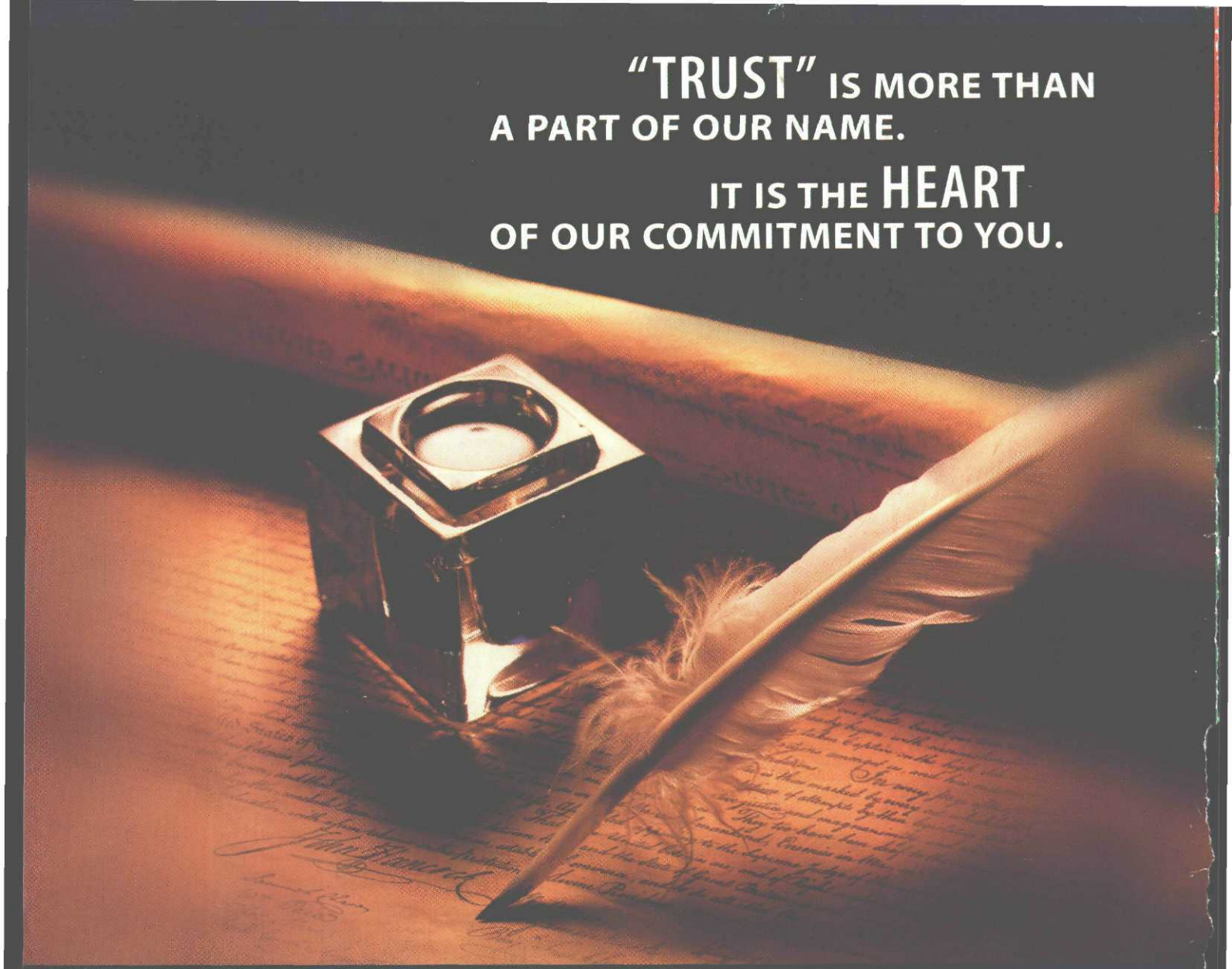

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